

Congress of the United States
Washington, DC 20515

January 16, 2014

The Honorable Gina McCarthy
EPA Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington DC 20460

RE: 2014 Renewable Fuel Standard

Dear Administrator McCarthy:

We are writing to express our concern regarding the Environmental Protection Agency's (EPA) proposed rule for the 2014 renewable volume obligations (RVOs) under the Renewable Fuel Standard (RFS) program. By reducing the amount of renewable fuel blended into gasoline lower than in 2013, this rule could hurt rural economies, jeopardize American jobs, raise prices at the pump and deter investment in biofuels and biofuel infrastructure. We are further concerned that the rationale used by the EPA is inconsistent with the current statute and could jeopardize the future of the renewable fuel industry.

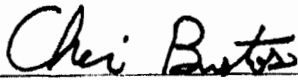
As you are aware, Congress first approved the Renewable Fuel Standard in the Energy Policy Act of 2005 and then significantly expanded it in 2007 through the Energy Independence and Security Act. From 2005 through 2012 our dependence on imported petroleum products declined from 60% to 41%, due in part to increased use of ethanol and other biofuels. Reducing our dependence on foreign oil is in the best interest of our country's national security. Additionally, the RFS supports almost 400,000 American jobs and has helped encourage billions of dollars of investment in research and development in biofuel-related technologies.

The significant reduction in renewable volume obligations under this proposed rule could destabilize the renewable fuel industry and send the wrong message to investors. This risks jobs and threatens the development of advanced and cellulosic biofuels that bring higher-level ethanol and biodiesel blends to consumers. Seventy-five percent of the current vehicle fleet is approved to operate on E15.

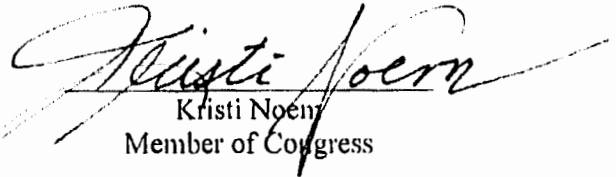
In the RFS, Congress provided flexibility to the EPA to adjust required volumes based on anticipated production for advanced biofuels. Furthermore, this year is one of the biggest corn harvests on record and yet the proposed rule would reduce the RVOs significantly. Instead of using a higher volume of available corn for ethanol blending, gasoline would need to be refined from more foreign oil, which could drive up gas prices for all consumers.

We respectfully request that EPA revise this proposal, ensuring that it is consistent with the law and its requirement to set volumes based on anticipated production. Without a revised proposal, we are concerned that the EPA's proposed rule would impose significant burdens on rural economies while increasing gas prices and our reliance on foreign oil.

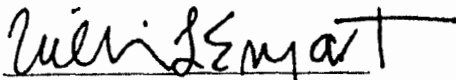
Sincerely,



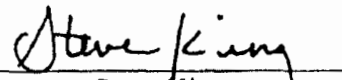
Cheri Bustos
Member of Congress



Kristi Noem
Member of Congress



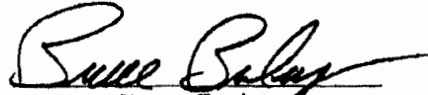
William L. Enyart
Member of Congress



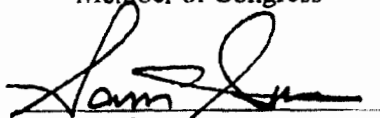
Steve King
Member of Congress



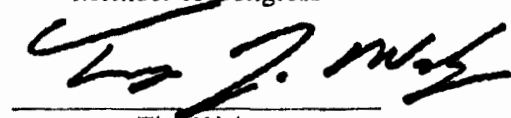
Rodney Davis
Member of Congress



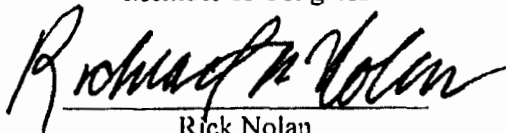
Bruce Braley
Member of Congress



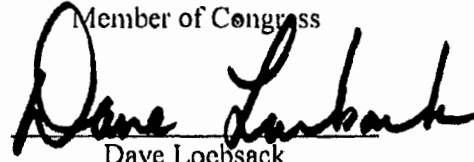
Sam Graves
Member of Congress



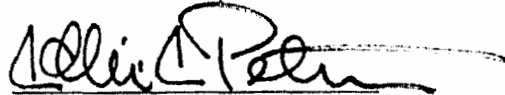
Tim Walz
Member of Congress



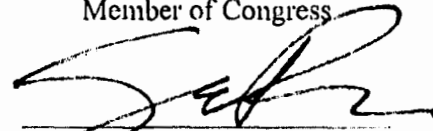
Rick Nolan
Member of Congress



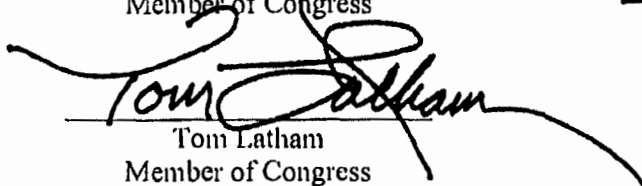
Dave Loebsack
Member of Congress



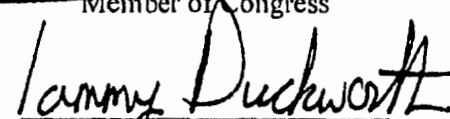
Collin Peterson
Member of Congress



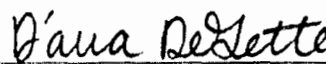
Scott Peters
Member of Congress




Tom Latham
Member of Congress



Tammy Duckworth
Member of Congress



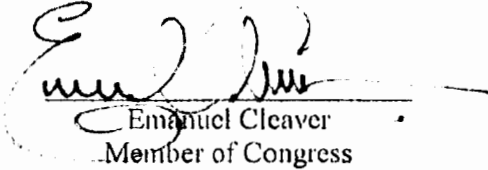
Diana DeGette
Member of Congress



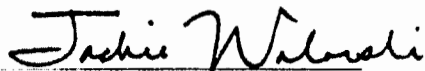
Marcy Kaptur
Member of Congress



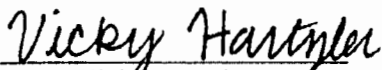
Colleen Hanabusa
Member of Congress



Emanuel Cleaver
Member of Congress



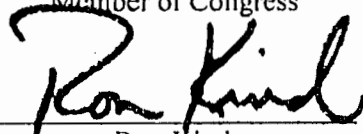
Jackie Walorski
Member of Congress



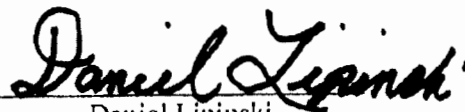
Vicky Hartzler
Member of Congress



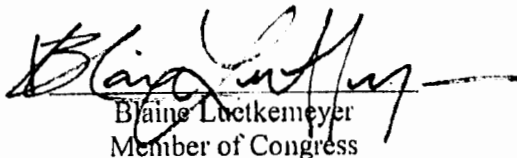
Candice Miller
Member of Congress



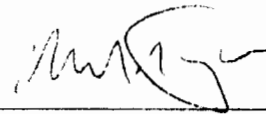
Ron Kind
Member of Congress



Daniel Lipinski
Member of Congress



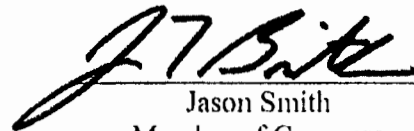
Blaine Luetkemeyer
Member of Congress



Mark Pocan
Member of Congress



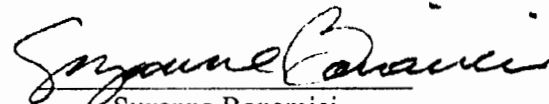
Bill Foster
Member of Congress



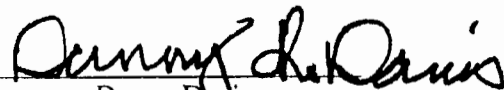
Jason Smith
Member of Congress



David Cicilline
Member of Congress



Suzanne Bonamici
Member of Congress



Danny Davis
Member of Congress



Robin Kelly
Member of Congress



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAR 18 2014

OFFICE OF
AIR AND RADIATION

The Honorable Steve King
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman King:

Thank you for your letter dated January 16, 2014, to U.S. Environmental Protection Agency Administrator Gina McCarthy regarding the 2014 volume requirements under the Renewable Fuel Standard (RFS) program. The Administrator has asked me to respond to you on her behalf.

On November 29, 2013, the EPA published in the *Federal Register* a proposed rule that would establish the 2014 RFS volume standards. In developing the proposed volumes, the EPA used the most recent data available and took into consideration multiple factors. Our analysis included an evaluation of both the expected availability of qualifying renewable fuels as well as factors that, in some cases, limit supplying those fuels to the vehicles and equipment that can consume them. On the basis of our analysis, we proposed to reduce the required volumes from statutory levels for 2014 for cellulosic biofuel, advanced biofuel, and total renewable fuel. We proposed to maintain the same volume for biomass-based diesel for 2014 and 2015 as was adopted for 2013, but we have requested comment on whether to raise the biomass-based diesel volume requirement.

I want to emphasize that this is a proposal, and that the EPA has requested comment on many aspects of the proposed rule, including the methodology for determining volumes. The EPA also expects to receive additional data before finalizing the rule. We will take your input under consideration as we, in conjunction with the U.S. Department of Agriculture and the U.S. Department of Energy, work towards finalizing this rule, and your letter has been placed in the rulemaking docket.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Josh Lewis in the EPA's Office of Congressional and Intergovernmental Relations at lewis.josh@epa.gov or (202) 564-2095.

Sincerely,

A handwritten signature in black ink, appearing to read "Janet G. McCabe", is positioned above the typed name.

Janet G. McCabe
Acting Assistant Administrator

Congress of the United States
U.S. House of Representatives
Committee on Small Business
2301 Rayburn House Office Building
Washington, DC 20515-6315

May 23, 2014

The Hon. Gina McCarthy
Administrator
Environmental Protection Agency
1200 Pennsylvania Ave, NW
Washington, DC 20460

The Hon. Jo-Ellen Darcy
Assistant Secretary of the Army (Civil Works)
Department of the Army
108 Army Pentagon
Washington, DC 20310

Dear Administrator McCarthy and Assistant Secretary Darcy:

The members of the Committee on Small Business are writing to express our concern that the Environmental Protection Agency (EPA) and the United States Army Corps of Engineers (Corps) (collectively, the "agencies") have not fulfilled their obligations under the Regulatory Flexibility Act, 5 U.S.C. §§ 601-12 (RFA), to conduct outreach to and assess the impacts of the proposed rule revising the definition of "waters of the United States" under the Clean Water Act (CWA)¹ on small businesses. We have conducted a preliminary review of the proposed rule and we are writing to bring our initial concerns to your attention.

We are concerned that the proposed rule could have a significant economic impact on small businesses yet the agencies have not assessed those consequences as required by the RFA. We believe the agencies should withdraw the proposed rule and conduct the required small business outreach and analysis before proceeding with the rulemaking. In the alternative, we request the public comment deadline for the proposed rule be extended by 90 additional days to ensure that small businesses have adequate time to review and provide input on this proposal.

Small businesses such as farmers and ranchers, home builders and transportation construction firms that conduct activities and projects on lands with "waters of the United States" will be directly affected. For example, permits may be required for activities such as removing debris and vegetation from a ditch, applying pesticides, building a fence, or discharging pollutants. Permitting can be a costly and time-consuming process that requires small businesses to hire attorneys and environmental consultants. In addition, the future development potential of certain land may be affected which could diminish its value. Small businesses also could be subjected to litigation under the CWA's citizen suit provisions.

By expanding the definition of "waters of the United States" to incorporate many more small bodies of water that are found on land across the United States, from farm fields and ranches to suburban neighborhoods and city centers, the agencies' proposal could have significant consequences

¹ Definition of "Waters of the United States" Under the Clean Water Act, 79 Fed. Reg. 22,187 (Apr. 21, 2014).

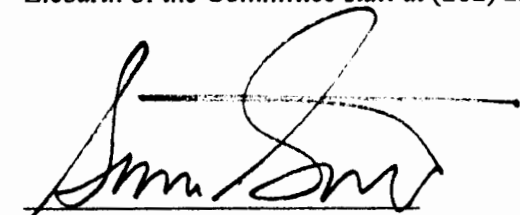
for small businesses. The proposed definition includes a number of imprecise and broadly-defined terms such as "adjacent," "riparian area" and "floodplain" that do not clearly delineate which waters are covered. For the first time, "tributary" is defined and includes bodies of water such as manmade and natural ditches. "Other waters" also may be subject to the jurisdiction of the CWA on a case-by-case basis if there is a "significant nexus" to a traditional navigable water. The expanded jurisdiction and the imprecision of the terms used by the agencies may result in significant added legal and regulatory costs for small businesses – impacts that the agencies should have assessed under the RFA.

The agencies certified that the proposed rule would not have a significant economic impact on a substantial number of small entities, including small businesses. In doing so, the agencies failed to provide any factual basis for the certification² as required by the RFA despite the evident consequences for hundreds of thousands of small businesses. To the extent that the agencies attempted to assess the economic impact on small businesses, it did so in a manner that limited the potential costs on small businesses which is in contrast to the economic analysis performed for the regulatory impact analysis required by Executive Order 12,866. It appears to us that the agencies adopted this approach (without adequate explanation) in an effort to avoid the requirements imposed on EPA by § 609(b) of the RFA to conduct a small business advocacy review panel that would require EPA to obtain the input of small businesses before proposing a rule of such significance.

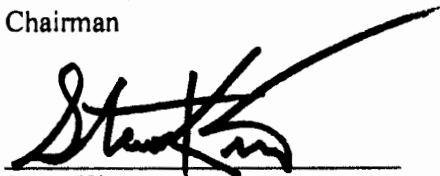
The agencies are required to comply with the RFA and EPA has additional obligations under the statute. Considering small businesses are likely to make up the greatest percentage of additional entities subject to regulation under an imprecise and expanded definition of the waters of the United States, it is absolutely critical that the agencies comply with the letter and spirit of the RFA (as directed by the President in a letter to agencies on January 18, 2011). Therefore, the agencies should withdraw the proposed rule and repropose it after undertaking an appropriate analysis of the impacts on small entities and conducting the outreach mandated by § 609(b) of the RFA. If the agencies fail to do that, then they should extend the comment period another 90 days to ensure that small entities, including small businesses, have adequate time to provide their input into the regulatory process – input that otherwise would have been made had the agencies adequately complied with the RFA in the first instance.

Should you or your staff have any questions concerning this letter, please contact Viktoria Ziebarth of the Committee staff at (202) 225-5821.

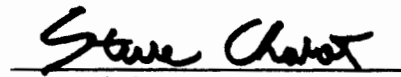
Sincerely,




Sam Graves
Chairman



Steve King
Member of Congress

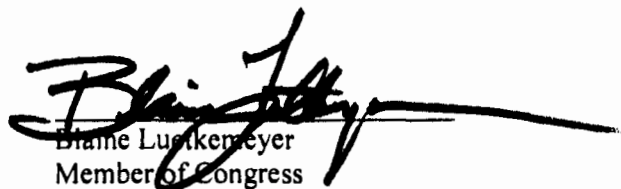



Steve Chabot
Member of Congress



Mike Coffman
Member of Congress

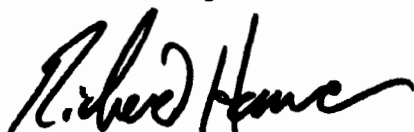
² 79 Fed. Reg. at 22,220.

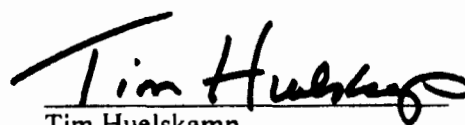

Blaine Luetkemeyer
Member of Congress


~~Mike Mulvaney~~
Member of Congress

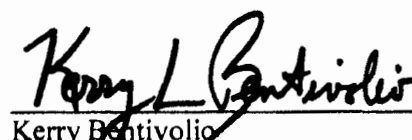

Scott Tipton
Member of Congress



Jaime Herrera Beutler
Member of Congress

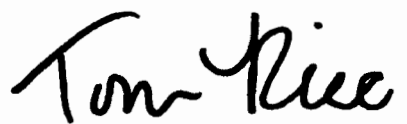

Richard Hanna
Member of Congress


Tim Huelskamp
Member of Congress


David Schweikert
Member of Congress


Kerry Bentivolio
Member of Congress


Chris Collins
Member of Congress


Tom Rice
Member of Congress

cc: Howard Shelanski, Administrator, Office of Information and Regulatory Affairs, Office of
Management and Budget
Winslow Sargeant, Chief Counsel for Advocacy, United States Small Business
Administration



AUG - 7 2014

The Honorable Steve King
House of Representatives
Washington, D.C. 20515

Dear Congressman King:

Thank you for your May 23, 2014, letter to the Department of the Army and the U.S. Environmental Protection Agency regarding the agencies' proposed rulemaking to clarify the term "waters of the United States." Your letter raises important issues regarding consistency with the Regulatory Flexibility Act (RFA) and assuring an effective opportunity for comment by small businesses on the proposed rule. We share your interest in working effectively with the nation's small businesses as this rulemaking moves forward and appreciate the opportunity to respond on behalf of the Army and the EPA.

Your letter raises specific questions about the agencies' proposed rule clarifying the regulatory definition of "waters of the United States." This rule is important because it establishes the geographic scope for all Clean Water Act (CWA) programs. The agencies' primary goal in developing the proposed rule is to clarify protection under the CWA for streams and wetlands that form the foundation of the nation's water resources. We believe the proposed rule is fully consistent with the CWA and case law, provides needed clarity, and is based on the best-available science.

More specifically, your letter describes concerns with the agencies' compliance with the RFA and our outreach to small businesses. The agencies recognize the substantial interest in this issue by small businesses and other stakeholders. In light of this interest, the EPA and the Corps determined to seek early and wide input from representatives of small entities while formulating a proposed rule. This outreach is consistent with the President's January 18, 2011, Memorandum on Regulatory Flexibility, Small Business, and Job Creation, which emphasizes the important role small businesses play in the American economy. This process has enabled the agencies to hear directly from these representatives, at an early stage, about how they should approach this complex question of statutory interpretation, together with related issues that such representatives of small entities may identify for possible consideration in separate proceedings. The agencies have also prepared a report summarizing their small entity outreach to date, the results of this outreach, and how these results have informed the development of this proposed rule. This report is publicly available in the docket for this proposed rule.³

Regarding compliance with the RFA, the statute generally requires an agency to prepare a regulatory flexibility analysis for any rule subject to notice-and-comment rulemaking requirements under the Administrative Procedure Act or any other statute unless the agency

³ This report is available at <http://www.regulations.gov/#/documentDetail;D=EPA-HQ-OW-2011-0880-1927>.

certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small organizations, and small governmental jurisdictions. As your letter indicates, the agencies certified that their proposed rule will not have a significant economic impact on a substantial number of small entities.

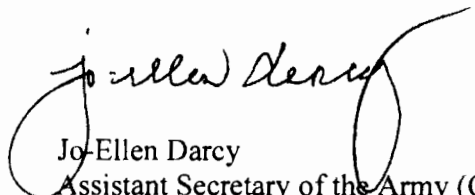
Under the RFA, the impact of concern is any significant adverse economic impact on small entities, because the primary purpose of the initial regulatory flexibility analysis is to identify and address regulatory alternatives "which minimize any significant economic impact of the rule on small entities." 5 U.S.C. 603. The scope of regulatory jurisdiction in this proposed rule is narrower than that under the agencies' existing regulations. Because fewer waters will be subject to the CWA under the proposed rule than are subject to regulation under the existing regulations, this action will not affect small entities to a greater degree than the existing regulations. As a consequence, this action if promulgated will not have a significant adverse economic impact on a substantial number of small entities, and therefore no regulatory flexibility analysis is required. The agencies' proposed rule is not designed to "subject" any entities of any size to any specific regulatory burden. Rather, it is designed to clarify the statutory scope of the "waters of the United States," consistent with Supreme Court precedent.

We want to emphasize that the rule currently undergoing public review is a proposal. Consistent with the provisions of the Administrative Procedure Act, we will carefully evaluate all public comments received on the proposed rule, including yours, and make necessary changes before the rule is made final. This transparent public process will help to assure the final rule provides the clarity, certainty, and consistency the public demands and to make all provisions of the final rule fully consistent with the law and science, including decisions of the Supreme Court.

Consistent with your letter's request, the agencies have extended the public comment period on the proposed rule by 91 days. The public comment period will be open until October 20, 2014. We look forward to effective and ongoing outreach to small businesses during the public comment period, so that we can reflect their input in a final rule.

Thank you again for your letter. An identical copy of this response has been sent to the other signers of your letter. We look forward to the ongoing input from you and your constituents during the public comment period on the proposed rule. If you have any questions, your staff may contact Mr. Chip Smith in the Office of the Assistant Secretary of the Army (Civil Works) at charles.r.smith567.civ@mail.mil or (703) 693-3655, or Mr. Denis Borum in EPA's Office of Congressional and Intergovernmental Relations at borum.denis@epa.gov or (202) 564-4836.

Sincerely,



Jo Ellen Darcy
Assistant Secretary of the Army (Civil Works)
Department of the Army



Nancy K. Stoner
Acting Assistant Administrator
U.S. Environmental Protection Agency



Terry E. Branstad
GOVERNOR

OFFICE OF THE GOVERNOR

Kim Reynolds
LT. GOVERNOR

December 12, 2013

The Honorable Barack Obama
President of the United States
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500

The Honorable Gina McCarthy
Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, DC 20460

The Honorable Tom Vilsack
Secretary
United States Department of Agriculture
1400 Independence Avenue SW
Washington, DC 20250

Dear President Obama, Administrator McCarthy, and Secretary Vilsack:

As elected officials from a leading agricultural and biofuels state, we write to express our strong opposition to the Environmental Protection Agency's (EPA) proposal to reduce renewable fuel volume obligations and weaken the Renewable Fuel Standard (RFS), and we request further opportunities for citizens from rural America to inform your decisions. Biofuels have diversified America's energy portfolio, strengthened our national security by reducing reliance on foreign oil, reduced transportation fuel emissions, given consumers lower cost options, and energized rural America by increasing family farm incomes and creating high-skilled, rewarding careers.

The EPA recently held a field hearing in Crystal City, Virginia, to discuss proposed RFS volume obligations. Throughout the day, the EPA heard from agricultural leaders, public officials, and private citizens, including many individuals from rural America. However, many more farmers, business leaders, and interested citizens wanted to participate in the hearing, but were unable to make the trip to Washington, DC, on such short notice. A reduction in the RFS will disproportionately affect rural America and will leave thousands unemployed. Weakening the RFS would increase prices at the pump and negatively impact air quality across the country. We believe the hard-working men and women in Iowa and across the Midwest deserve the opportunity to make the case at a hearing in the Heartland.

We request that the EPA, in conjunction with the White House Rural Council, hold a field hearing in the State of Iowa to enable Iowans and other Midwesterners to testify to the benefits of the RFS and provide Federal leaders with additional data to inform your decisions. We invite you to join the hearings and to join us in visiting at least one biofuel facility, which

will enable you to see firsthand the many benefits of biofuels and the broad importance of a robust RFS.

Iowans, Midwesterners, and American consumers deserve an honest debate that is not clouded by the politics of Washington, DC.

We hope to welcome you to Iowa soon.


Sincerely,



Terry E. Branstad
Governor of Iowa



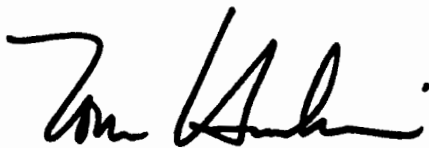
Kim Reynolds
Lt. Governor of Iowa



Bill Northey
Secretary, Iowa Department
of Agriculture & Land Stewardship



Chuck Grassley
United States Senator



Tom Harkin
United States Senator



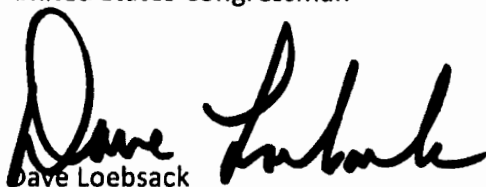
Tom Latham
United States Congressman



Steve King
United States Congressman



Bruce Braley
United States Congressman



Dave Loebsack
United States Congressman

DAVID B. MCKINLEY, P.E.

1ST DISTRICT, WEST VIRGINIA

412 CANNON HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
TEL. (202) 225-4172
FAX. (202) 225-7564
www.mckinley.house.gov

CO-CHAIR, *

CONGRESSIONAL ARTHRITIS CAUCUS

CO-CHAIR,

CONGRESSIONAL YOUTH CHALLENGE CAUCUS

CO-CHAIR,

HIGH PERFORMANCE BUILDINGS CAUCUS

Congress of the United States
House of Representatives

COMMITTEE ON
ENERGY AND COMMERCE

SUBCOMMITTEE ON
ENERGY AND POWER

SUBCOMMITTEE ON
COMMERCE, MANUFACTURING AND
TRADE

SUBCOMMITTEE ON
ENVIRONMENT AND THE ECONOMY

October 23, 2013

The Honorable Gina McCarthy
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Dear Administrator McCarthy:

We are troubled by the EPA's announcement on September 30, 2013 entitled "EPA to Hold Public Listening Sessions on Reducing Carbon Pollution from Existing Power Plants." While hosting eleven public listening sessions held across the country in order to solicit feedback from the public is important, your plan leaves out those most impacted by the regulation by seeking input only in major urban areas.


While the proposed regulations on new and existing power plants may not be burdensome to cities such as Boston, San Francisco, Washington, D.C., or New York City, it will have significant impacts on businesses and families in rural areas. Already, one-fifth of our nation's coal plants, 204 facilities across 25 states, closed between 2009 and 2012. These closed and existing plants are not located in areas you are holding these listening sessions. In all fairness, residents and businesses in rural areas deserve to be heard just as much.

The EPA must hear from Americans on Main Street in rural America not downtown San Francisco or Washington, D.C. If the EPA really wants to learn the impact this regulation will have on mayors, store clerks, senior citizens, blue-collar Americans and others, you must hold these sessions in locations that produce coal and coal-fired electricity. We highly recommend that you and your colleagues take a step out of the Beltway and visit the places that make America great; the places your regulations continue to devastate by shuttering plants and killing jobs. These people need your help and want their views to be heard. Please add rural American communities in which coal and gas are a part of their economies to your locations for listening sessions.

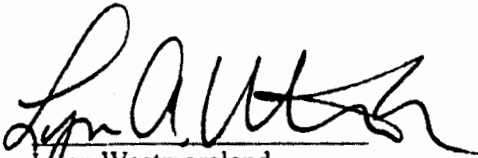
Thank you for your attention to this matter, and we look forward to your thoughts.

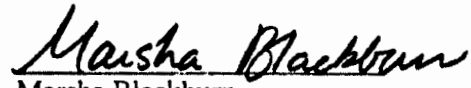
Sincerely,

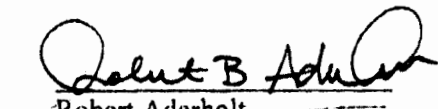

David B. McKinley, P.E.
Member of Congress

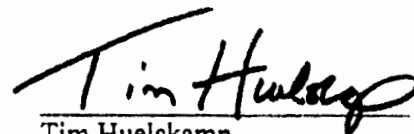

Shelley Moore Capito
Member of Congress

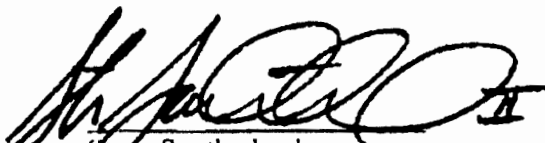
Congress of the United States
Washington, DC 20515

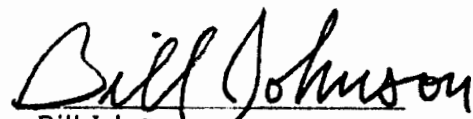

Lynn Westmoreland
Member of Congress

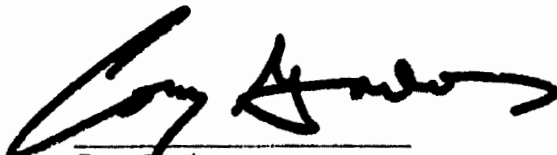

Marsha Blackburn
Member of Congress

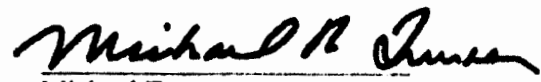

Robert Aderholt
Member of Congress

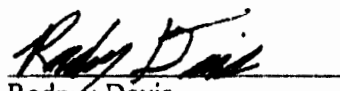

Tim Huelskamp
Member of Congress

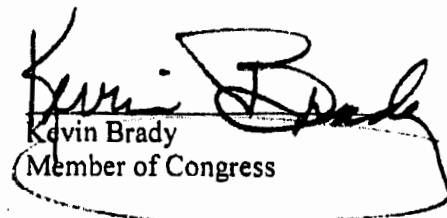

Steve Southerland
Member of Congress

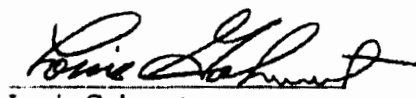

Bill Johnson
Member of Congress

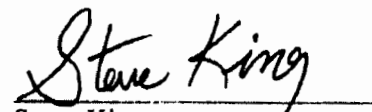

Cory Gardner
Member of Congress


Michael Turner
Member of Congress


Rodney Davis
Member of Congress


Kevin Brady
Member of Congress

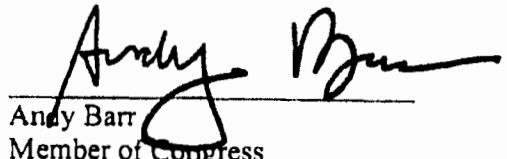

Louie Gohmert
Member of Congress


Steve King
Member of Congress

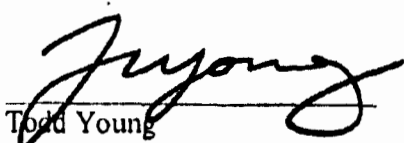
Congress of the United States
Washington, DC 20515



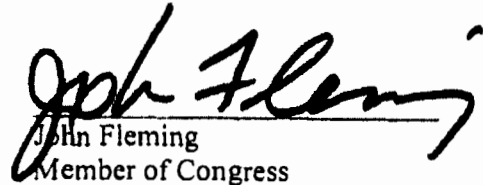
Joe Barton
Member of Congress



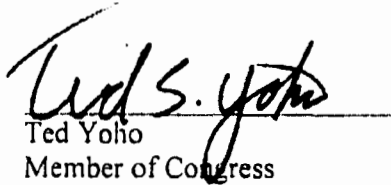
Andy Barr
Member of Congress



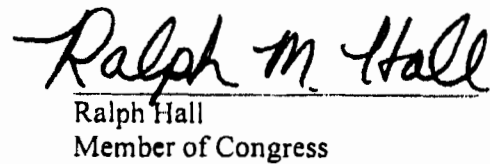
Todd Young
Member of Congress



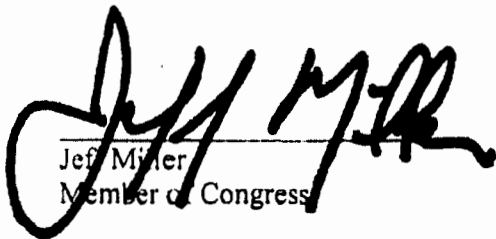
John Fleming
Member of Congress



Ted Yoho
Member of Congress



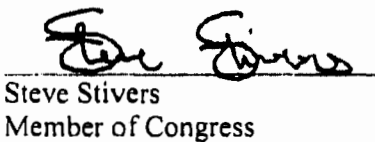
Ralph Hall
Member of Congress



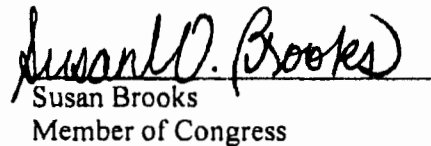
Jeff Miller
Member of Congress



Blake Farenthold
Member of Congress



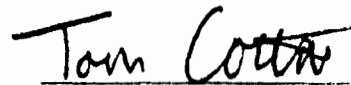
Steve Stivers
Member of Congress



Susan Brooks
Member of Congress




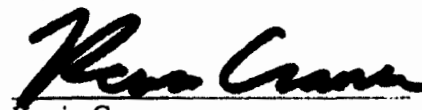
Kristi Noem
Member of Congress

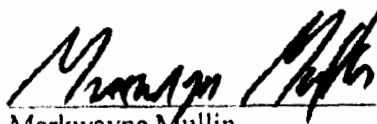


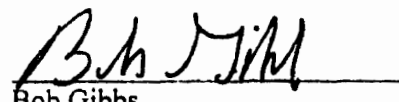
Tom Cotton
Member of Congress

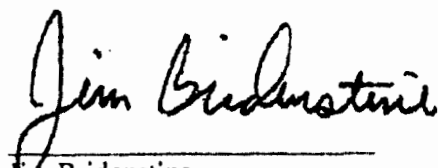
Congress of the United States
Washington, DC 20515



Mick Mulvaney
Member of Congress

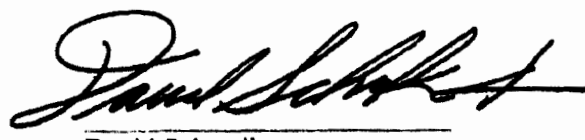

Kevin Cramer
Member of Congress



Markwayne Mullin
Member of Congress

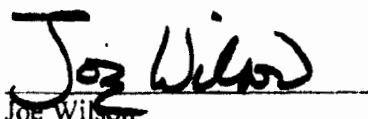

Bob Gibbs
Member of Congress

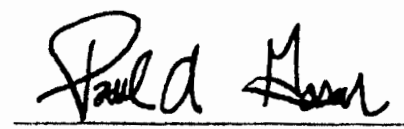

Jim Bridenstine
Member of Congress



Trent Franks
Member of Congress



David Schweikert
Member of Congress



Doug Lamborn
Member of Congress


Joe Wilson
Member of Congress


Paul Gosar
Member of Congress


Matt Salmon
Member of Congress


Todd Rokita
Member of Congress


Hal Rogers
Member of Congress



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JAN 16 2014

OFFICE OF
AIR AND RADIATION

The Honorable Steve King
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman King:

Thank you for your letter of October 23, 2013, co-signed by 38 of your colleagues, to U.S. Environmental Protection Agency Administrator Gina McCarthy requesting that the EPA hold listening sessions in rural areas across the United States on reducing carbon pollution from existing power plants. The Administrator has asked that I respond on her behalf.

The EPA is working diligently to address carbon pollution from power plants. In June 2013, President Obama called on agencies across the federal government, including the EPA, to take action to cut carbon pollution to protect our country from the impacts of climate change, and to lead the world in this effort. His call included a directive for the EPA "to work expeditiously to complete carbon pollution standards for both new and existing power plants." Currently, there are no federal standards in place to reduce carbon pollution from the country's largest source. The President also directed the EPA to work with states, as they will play a central role in establishing and implementing standards for existing power plants, and, at the same time, with leaders in the power sector, labor leaders, non-governmental organizations, other experts, tribal officials, other stakeholders, and members of the public, on issues informing the design of carbon pollution standards for power plants.

As we consider guidelines for existing power plants, the EPA is engaged in vigorous and unprecedented outreach with the public, key stakeholders, and the states, including your state. The eleven listening sessions the EPA held throughout the country were attended by thousands of people, representing many states and a broad range of stakeholders, including many from rural areas. In addition, the EPA leadership and senior staff, in Washington, D.C. and in every one of our ten regional offices, have been meeting with industry leaders and CEOs from the coal, oil, and natural gas sectors; state, tribal, and local government officials from every region of the country, including your state; and environmental and public health groups, faith groups, labor groups, and others. Our meetings with state governments have encompassed leadership and staff from state environment departments, state energy departments and state public utility commissions. We are doing this because we want—and need—all available information about what is important to each state and stakeholder. We know that guidelines require flexibility and sensitivity to state and regional differences.

To this end, we welcome feedback and ideas from you as well as your constituents about how the EPA should develop and implement carbon pollution guidelines for existing power plants under the Clean Air Act. Interested stakeholders can send their thoughts through email at carbonpollutioninput@epa.gov. Stakeholders can also learn more about what we are doing at www.epa.gov/carbonpollutionstandard. I welcome you to provide a link to our website from yours, and to share any other information about the EPA's public engagement activities with the citizens of your state.

Please note that the public meetings we've been holding to date and other outreach efforts are happening well before we propose guidelines. When we issue the draft guidelines in June 2014, a more formal public comment period will follow, as with all rules, and more opportunities for public hearings and stakeholder outreach and engagement. I look forward to hearing what you think about the draft guidelines at that time, too.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Josh Lewis in the EPA's Office of Congressional and Intergovernmental Relations at lewis.josh@epa.gov or (202) 564-2095.

Sincerely,

A handwritten signature in black ink, appearing to read "Janet G. McCabe", with a stylized flourish at the end.

Janet G. McCabe
Acting Assistant Administrator

Congress of the United States
Washington, DC 20515

May 1, 2014

The Honorable Gina McCarthy
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, D.C. 20460

The Honorable John M. McHugh
Secretary
Department of the Army
The Pentagon, Room 3E700
Washington, D.C. 20310

Dear Administrator McCarthy and Secretary McHugh:

We write to express our serious concerns with the proposed rule re-defining the scope of federal power under the Clean Water Act (CWA) and ask you to return this rule to your Agencies in order to address the legal, economic, and scientific deficiencies of the proposal.

On March 25, 2014, the Environmental Protection Agency (EPA) and the U.S. Army Corps of Engineers (USACE) released a proposed rule that would assert CWA jurisdiction over nearly all areas with any hydrologic connection to downstream navigable waters, including man-made conveyances such as ditches. Contrary to your agencies' claims, this would directly contradict prior U.S. Supreme Court decisions, which imposed limits on the extent of federal CWA authority. Although your agencies have maintained that the rule is narrow and clarifies CWA jurisdiction, it in fact aggressively expands federal authority under the CWA while bypassing Congress and creating unnecessary ambiguity. Moreover, the rule is based on incomplete scientific and economic analyses.

The rule is flawed in a number of ways. The most problematic of these flaws concerns the significant expansion of areas defined as "waters of the U.S." by effectively removing the word "navigable" from the definition of the CWA. Based on a legally and scientifically unsound view of the "significant nexus" concept espoused by Justice Kennedy, the rule would place features such as ditches, ephemeral drainages, ponds (natural or man-made), prairie potholes, seeps, flood plains, and other occasionally or seasonally wet areas under federal control.

Additionally, rather than providing clarity and making identifying covered waters "less complicated and more efficient," the rule instead creates more confusion and will inevitably cause unnecessary litigation. For example, the rule heavily relies on undefined or vague concepts such as "riparian areas," "landscape unit," "floodplain," "ordinary high water mark" as determined by the agencies' "best professional judgment" and "aggregation." Even more egregious, the rule throws into confusion extensive state regulation of point sources under various CWA programs.

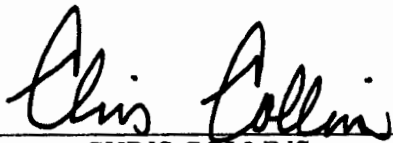
In early December of 2013, your agencies released a joint analysis stating that this rule would subject an additional three percent of U.S. waters and wetlands to CWA jurisdiction and that the rule would create an economic benefit of at least \$100 million annually. This calculation is seriously flawed. In this analysis, the EPA evaluated the FY 2009-2010 requests for jurisdictional determinations – a period of time that was the most economically depressed in

nearly a century. This period, for example, saw extremely low construction activity and should not have been used as a baseline to estimate the incremental acreage impacted by this rule. In addition, the derivation of the three percent increase calculation did not take into account the landowners who – often at no fault of their own – do not seek a jurisdictional determination, but rather later learn from your agencies that their property is subject to the CWA. These errors alone, which are just two of many in EPA's assumptions and methodology, call into question the veracity of any of the conclusions of the economic analysis.

Compounding both the ambiguity of the rule and the highly questionable economic analysis, the scientific report – which the agencies point to as the foundation of this rule – has been neither peer-reviewed nor finalized. The EPA's draft study, "Connectivity of Streams and Wetlands to Downstream Waters: A Review and Synthesis of the Scientific Evidence," was sent to the EPA's Science Advisory Board to begin review on the same day the rule was sent to OMB for interagency review. The science should always come before a rulemaking, especially in this instance where the scientific and legal concepts are inextricably linked.

For all these reasons, we ask that this rule be withdrawn and returned to your agencies. This rule has been built on an incomplete scientific study and a flawed economic analysis. We therefore ask you to formally return this rule to your agencies.

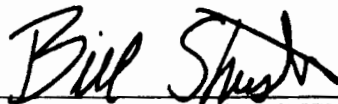
Sincerely,



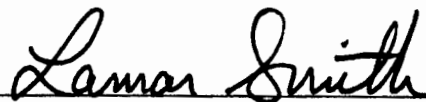
CHRIS COLLINS
Member of Congress



KURT SCHRADER
Member of Congress



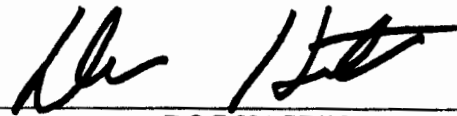
BILL SHUSTER
Chairman
House Committee on
Transportation and Infrastructure



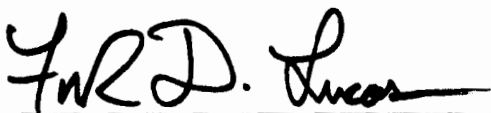
LAMAR SMITH
Chairman
House Committee on
Science, Space, and Technology



FRED UPTON
Chairman
House Committee on
Energy and Commerce



DOC HASTINGS
Chairman
House Committee on
Natural Resources



FRANK LUCAS
Chairman
House Committee on Agriculture



COLLIN PETERSON
Ranking Member
House Committee on Agriculture

E Whitfield
Ken Calvert

Eric Lehman

Jim Walker

Steve King

JT Smith

Dr Yancy

Dan Riker

John Kotter

Fah Uela

Bill By M.C.

Ron E. Foster

Vee Terry
Sue Baker

Adrian Porter

John Gorman

John Banner

Walter B. Jones

Mike Lipin

~~Carol B. Welch~~

Bill Owens

Tom Sullivan

Jim Sullivan WI-05

Robert J. Witten VA-01

Rat Tiller

Cynthia P. Lummis

J P Lummis

~~Bob~~

Tim Hurling

Marsha Blackburn

Kevin Yoder

Julie Wink

Odd Roberts

~~Tom~~

David V. Hoover

Van H. JD

Melvin P. Tompco

Joe Barletta

Bob & Karen Hodel

John Henry

Steve R. Tipton

Jim Bidmaster

Long Hender

~~JD~~

Chuck Fleish

David Scott

R. H. Van

Thomas Massie

Brett Guthrie

Jim Jim M.C.

Ch Stewart

Ann Sch

Larry Buehler

~~Tom Figue~~

Kay Stanger

Bill Fenn

16 Mar 1991

Hyd Fund

D. Bunker

Bill Landy

Gregg Harper

Glen GT Thompson

Archie Rye (M-03)

La Van

Jayong

Vicky Hartzler

Lynn Jenkins

Ken Cunn

Gene Womack

Roger Williams

Jaime Herrera Beutler

Leri Swell

Tim G.P. (AR-02)

Frank R. Waring

John P. O.

Don Stuyf

Alan N.

Paul N.

Dillon Song

Susan W. Brooks

Mark Kelly

J. John

Bill Johnson

Paul G.

Bob H.

Bob Huizenga

Mike H.

Jim A.

Steve H.

Andy Brown

Steve H.

Ken H.

Raul R. Labrador

Steve H.

Steve H.

Will H.

R. Woodall

CPH

Quinn Black

Mo Brooks

BB

Kary Wautley

Grant Jones

Ch Bonamy

Nike Stephens

John Culberson

Ed M. Zilinski

Luke Muma

Mark Wayne Mullin

Chas. E. Evers

Lon B. Agel

Chas. E. Evers

Hunt

Sam Johnson

Mark B. Shuler

~~XXXXXXXXXX~~

CE W. Ditt

Lance Krystek

J. P. Hays

Tom Hays

Tom Rice

Bob Hays 11-34

John A. 11-03

Robert Pittenger

Pete Olson

Pat H.

H. Viny

S. Holby

Rene J. Ell

Kevin M. Cant

Virginia Cox

Mac Hays

Kerri E. Bond
Thomas D. Ric

Erik Paulsen

Joe Heck

Mike Jew

Tom Mariner

Darin Noveck

Michael A. Armon

K. Mitta Long

Jim Gaud

Steve Chabot

Rubén Hengua

Grey Walden

Howard Cobb

Ja. Barton

Frank H. Wiley

P. Rankin

Kay Bestwick

Edith M. Brown-Rodgers

Paul Cook

James R. Pettigrew

John Rahall

Joe Wilson

Ed Smith

Michael R. Turner

Angie L. Miller

Patrick T. McHenry

Howard O. Buckman

Member	Party	District
Don Young	R	AK-AL
Bradley Byrne	R	AL-1
Martha Roby	R	AL-2
Mike Rogers	R	AL-3
Robert Aderholt	R	AL-4
Mo Brooks	R	AL-5
Spencer Bachus	R	AL-6
Terri Sewell	D	AL-7
Rick Crawford	R	AR-1
Tim Griffin	R	AR-2
Steve Womack	R	AR-3
Tom Cotton	R	AR-4
Paul Gosar	R	AZ-4
Matt Salmon	R	AZ-5
David Schweikert	R	AZ-6
Trent Franks	R	AZ-8
Doug LaMalfa	R	CA-1
Jeff Denham	R	CA-10
Jim Costa	D	CA-16
David Valadao	R	CA-21
Devin Nunes	R	CA-22
Kevin McCarthy	R	CA-22
Howard "Buck" McKeon	R	CA-25
Gary Miller	R	CA-31
Tom McClintock	R	CA-4
Ken Calvert	R	CA-42
Dana Rohrabacher	R	CA-48
Darrell Issa	R	CA-49
Paul Cook	R	CA-8
Scott Tipton	R	CO-3
Cory Gardner	R	CO-4
Doug Lamborn	R	CO-5
Mike Coffman	R	CO-6
Jeff Miller	R	FL-1
Rich Nugent	R	FL-11
Gus Bilirakis	R	FL-12
Tom Rooney	R	FL-17
Steve Southerland	R	FL-2
Mario Diaz-Balart	R	FL-25
Ileana Ros-Lehtinen	R	FL-27
Ted Yoho	R	FL-3
Ron DeSantis	R	FL-6
John Mica	R	FL-7
Jack Kingston	R	GA-1
Paul Broun	R	GA-10
Phil Gingrey	R	GA-11

John Barrow	D	GA-12
David Scott	D	GA-13
Tom Graves	R	GA-14
Sanford Bishop	D	GA-2
Lynn Westmoreland	R	GA-3
Tom Price	R	GA-6
Rob Woodall	R	GA-7
Austin Scott	R	GA-8
Doug Collins	R	GA-9
Tom Latham	R	IA-3
Steve King	R	IA-5
Raul Labrador	R	ID-1
Michael Simpson	R	ID-2
William Enyart	D	IL-12
Rodney Davis	R	IL-13
Randy Hultgren	R	IL-14
John Shimkus	R	IL-15
Adam Kinzinger	R	IL-16
Aaron Schock	R	IL-18
Peter Roskam	R	IL-6
Jackie Walorski	R	IN-2
Marlin Stutzman	R	IN-3
Todd Rokita	R	IN-4
Susan Brooks	R	IN-5
Luke Messer	R	IN-6
Larry Bucshon	R	IN-8
Todd Young	R	IN-9
Tim Huelskamp	R	KS-1
Lynn Jenkins	R	KS-2
Kevin Yoder	R	KS-3
Mike Pompeo	R	KS-4
Ed Whitfield	R	KY-1
Brett Guthrie	R	KY-2
Thomas Massie	R	KY-4
Hal Rogers	R	KY-5
Andy Barr	R	KY-6
Cedric Richmond	D	LA-2
Charles Boustany	R	LA-3
John Fleming	R	LA-4
Vance McAllister	R	LA-5
Bill Cassidy	R	LA-6
Andy Harris	R	MD-1
Dan Benishek	R	MI-1
Candice Miller	R	MI-10
Kerry Bentivolio	R	MI-11
Bill Huizenga	R	MI-2
Justin Amash	R	MI-3

Dave Camp	R	MI-4
Fred Upton	R	MI-6
Tim Walberg	R	MI-7
Mike Rogers	R	MI-8
John Kline	R	MN-2
Erik Paulsen	R	MN-3
Michele Bachmann	R	MN-6
Collin Peterson	D	MN-7
Ann Wagner	R	MO-2
Blaine Luetkemeyer	R	MO-3
Vicky Hartzler	R	MO-4
Sam Graves	R	MO-6
Billy Long	R	MO-7
Jason Smith	R	MO-8
Alan Nunnelee	R	MS-1
Bennie G. Thompson	D	MS-2
Gregg Harper	R	MS-3
Steven Palazzo	R	MS-4
Patrick McHenry	R	NC-10
Mark Meadows	R	NC-11
George Holding	R	NC-13
Renee Ellmers	R	NC-2
Walter Jones	R	NC-3
Virginia Foxx	R	NC-5
Howard Coble	R	NC-6
Mike McIntyre	D	NC-7
Richard Hudson	R	NC-8
Robert Pittenger	R	NC-9
Kevin Cramer	R	ND-AL
Lee Terry	R	NE-2
Adrian Smith	R	NE-3
Scott Garrett	R	NJ-5
Steve Pearce	R	NM-2
Mark Amodei	R	NV-2
Joe Heck	R	NV-3
Michael Grimm	R	NY-11
Chris Gibson	R	NY-19
Peter King	R	NY-2
Bill Owens	D	NY-21
Richard Hanna	R	NY-22
Tom Reed	R	NY-23
Chris Collins	R	NY-27
Steve Chabot	R	OH-1
Michael Turner	R	OH-10
Patrick Tiberi	R	OH-12
David Joyce	R	OH-14
Steve Stivers	R	OH-15

Jim Renacci	R	OH-16
Brad Wenstrup	R	OH-2
Jim Jordan	R	OH-4
Robert Latta	R	OH-5
Bill Johnson	R	OH-6
Bob Gibbs	R	OH-7
Jim Bridenstine	R	OK-1
Markwayne Mullin	R	OK-2
Frank Lucas	R	OK-3
James Lankford	R	OK-5
Greg Walden	R	OR-2
Kurt Schrader	D	OR-5
Tom Marino	R	PA-10
Lou Barletta	R	PA-11
Keith Rothfus	R	PA-12
Charlie Dent	R	PA-15
Joe Pitts	R	PA-16
Tim Murphy	R	PA-18
Mike Kelly	R	PA-3
Scott Perry	R	PA-4
Glenn 'GT' Thompson	R	PA-5
Jim Gerlach	R	PA-6
Patrick Meehan	R	PA-7
Mike Fitzpatrick	R	PA-8
Bill Shuster	R	PA-9
Mark Sanford	R	SC-1
Joe Wilson	R	SC-2
Jeff Duncan	R	SC-3
Mick Mulvaney	R	SC-5
Tom Rice	R	SC-7
Kristi Noem	R	SD-AL
Phil Roe	R	TN-1
John J. Duncan, Jr.	R	TN-2
Chuck Fleishmann	R	TN-3
Scott DesJarlais	R	TN-4
Diane Black	R	TN-6
Marsha Blackburn	R	TN-7
Stephen Fincher	R	TN-8
Louie Gohmert	R	TX-1
Michael McCaul	R	TX-10
K. Michael Conaway	R	TX-11
Kay Granger	R	TX-12
Mac Thornberry	R	TX-13
Randy Weber	R	TX-14
Ruben Hinojosa	D	TX-15
Bill Flores	R	TX-17
Randy Neugebauer	R	TX-19

Ted Poe	R	TX-2
Lamar Smith	R	TX-21
Pete Olson	R	TX-22
Pete Gallego	D	TX-23
Kenny Marchant	R	TX-24
Roger Williams	R	TX-25
Michael Burgess	R	TX-26
Blake Farenthold	R	TX-27
Henry Cuellar	D	TX-28
Sam Johnson	R	TX-3
John Carter	R	TX-31
Pete Sessions	R	TX-32
Marc Veasey	D	TX-33
Filemon Vela	D	TX-34
Steve Stockman	R	TX-36
Ralph Hall	R	TX-4
Jeb Hensarling	R	TX-5
Joe Barton	R	TX-6
John Culberson	R	TX-7
Kevin Brady	R	TX-8
Rob Bishop	R	UT-1
Chris Stewart	R	UT-2
Jason Chaffetz	R	UT-3
Jim Matheson	D	UT-4
Robert Wittman	R	VA-1
Frank Wolf	R	VA-10
Scott Rigell	R	VA-2
J. Randy Forbes	R	VA-4
Robert Hurt	R	VA-5
Bob Goodlatte	R	VA-6
Morgan Griffith	R	VA-9
Jaime Herrera Beutler	R	WA-3
Doc Hastings	R	WA-4
Cathy McMorris Rodgers	R	WA-5
Dave Reichert	R	WA-8
Paul Ryan	R	WI-3
Jim Sensenbrenner	R	WI-5
Tom Petri	R	WI-6
Sean Duffy	R	WI-7
Reid Ribble	R	WI-8
David McKinley	R	WV-1
Shelly Moore Capito	R	WV-2
Nick Rahall	D	WV-3
Cynthia Lummis	R	WY-AL

Congress of the United States
Washington, DC 20515

February 6, 2014

Dear Administrator McCarthy,

The Agricultural Worker Protection Standard (WPS) is the primary set of federal regulations that seeks to protect farmworkers from the hazards of working with pesticides. The current regulations are not effective in preventing workers' exposures to toxic chemicals in the fields. Over a decade ago, the EPA stated that even when there is full compliance with the WPS, "risks to workers still exceed EPA's level of concern."ⁱ Although the EPA has not made meaningful updates to the WPS in over 20 years, now that the Agency has finally taken steps to improve protections for farmworkers, we urge you to expeditiously finalize these long overdue changes to the WPS (RIN 2070-AJ22) and to reject any efforts to undermine or further delay the process.

Every year, an estimated 1.1 billion pounds of pesticides are applied to agricultural crops in the United States.ⁱⁱ According to the EPA, ten to twenty thousand farmworkers suffer pesticide poisoning annually.ⁱⁱⁱ Exposure to pesticides increases the risk of chronic health problems among adult and child farmworkers, such as cancer, infertility, neurological disorders, and respiratory conditions.^{iv} Recognizing that there are approximately 500,000 child farmworkers in the U.S.,^v farmworker children face increased risks of cancer and birth defects.^{vi} Research also shows that both farmworkers and their children may suffer decreased intellectual functioning from even low levels of exposure to organophosphate insecticides, which are widely used in agriculture.^{vii} To promote the health of rural communities and those who harvest the food for our constituents' tables, strong protections from pesticide exposure are urgently needed.

The current version of WPS protections is limited and insufficient for workers. Serious flaws of the WPS include:

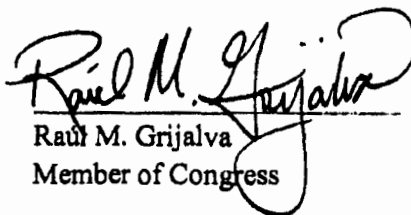
- **Short training sessions that are years apart and not reinforced are inadequate to protect workers.** Currently, employers are only required to provide each worker with a pesticide safety training once every five years.
- **Farmworkers are excluded from federal right-to-know rules that require employees to be informed of the health effects of specific chemicals they encounter at work.** The Occupational Safety and Health Administration's (OSHA) Hazardous Communication Standard (HCS) entitles workers in non-agricultural sectors the right to training and written information about the short- and long-term health effects associated with the chemicals used in their workplaces. In contrast, the WPS only requires farmworkers to receive general information about all pesticides. Specific information about their actual exposures would save lives and prevent illness by alerting workers to the symptoms of overexposure, help them take precautions to reduce risks, and ensure appropriate medical treatment.

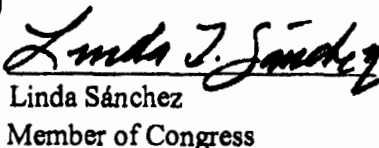
- **Workers do not receive adequate notification or information about recent pesticide applications.** Posted warning signs do not adequately inform workers about work hazards because they are not required at all entry points, do not state the dates on which entry is prohibited, or list the names of the pesticides applied.
- **Pesticide handlers need special protections to reduce direct exposure.** The WPS should be revised to require the use of engineered equipment or technology to create a physical barrier preventing pesticides from coming into direct contact with pesticide handlers (workers who mix, load or apply pesticides). For non-agricultural settings, the National Institute of Occupational Safety and Health established that engineering controls must be implemented as a first resort to prevent chemical exposures. Farmworkers should be guaranteed similar protections.
- **Workers who handle neurotoxic chemicals should have the option of blood tests to monitor exposure before symptoms or illness.** California and Washington have implemented a system to monitor workers who handle organophosphate and N-methylcarbamate pesticides (two particularly dangerous classes of pesticides). The number of poisonings involving these pesticides has gone down considerably since those programs took effect. This cost-effective program should be implemented nationwide.

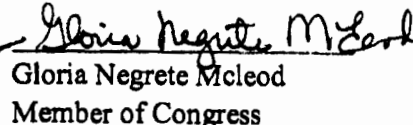
This failure to provide workers adequate protection is wholly inconsistent with Congress's intent. When we amended the Federal Insecticide, Fungicide and Rodenticide Act ("FIFRA") in 1970, Congress stated that the "entire purpose of the [1970 revisions to FIFRA] is to protect man and the environment," and farmers and farmworkers are "the most obvious object of th[at] bill's protection."

To fulfill the promise of FIFRA, these and other changes to the WPS are needed to strengthen the protections for farmworkers and reduce injuries to them and their families. We urge you to promptly finalize long-overdue revisions to the Worker Protection Standard during fiscal year 2014 and implement these needed changes as soon as possible thereafter.

Sincerely,


Raúl M. Grijalva
Member of Congress


Linda Sánchez
Member of Congress


Gloria Negrete McLeod
Member of Congress



Karen Bass
Member of Congress



Earl Blumenauer
Member of Congress



Tony Cardenas
Member of Congress



Donna M. Christensen
Member of Congress



Judy Chu
Member of Congress



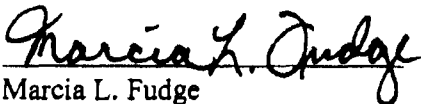
John Conyers
Member of Congress



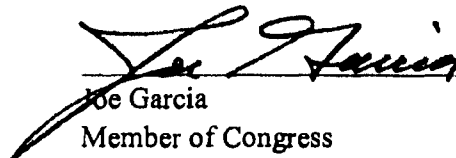
Rosa L. DeLauro
Member of Congress



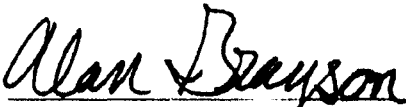
Keith Ellison
Member of Congress



Marcia L. Fudge
Member of Congress



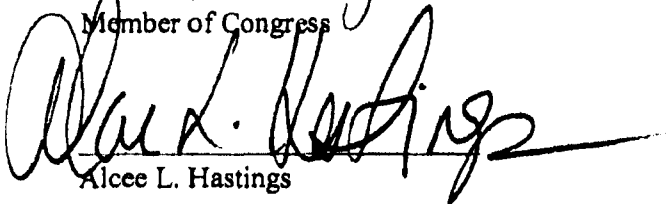
Joe Garcia
Member of Congress



Alan Grayson
Member of Congress



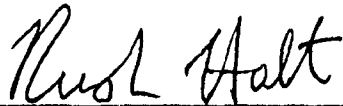
Luis V. Gutierrez
Member of Congress



Alcee L. Hastings
Member of Congress



Ruben E. Hinojosa
Member of Congress



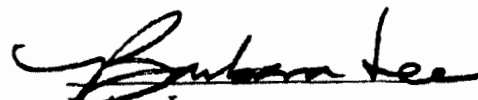
Rush Holt
Member of Congress



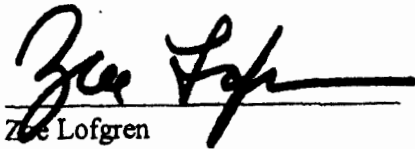
Michael M. Honda
Member of Congress



Alcee L. Hastings
Member of Congress



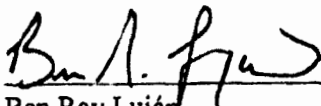
Barbara Lee
Member of Congress



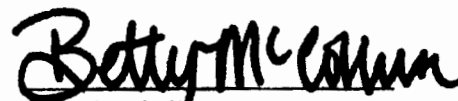
Zee Lofgren
Member of Congress



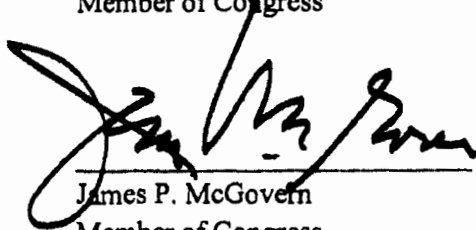
Alan Lowenthal
Member of Congress



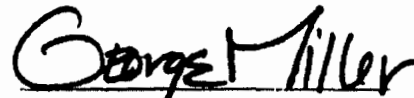
Ben Ray Lujan
Member of Congress



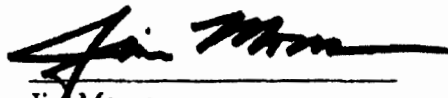
Betty McCollum
Member of Congress



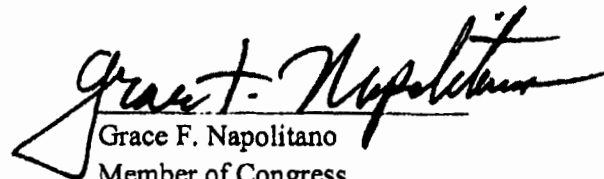
James P. McGovern
Member of Congress



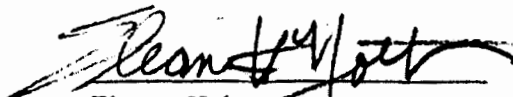
George Miller
Member of Congress



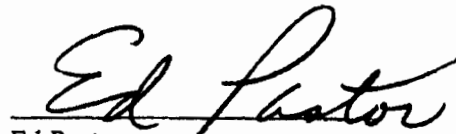
Jim Moran
Member of Congress



Grace F. Napolitano
Member of Congress



Eleanor Holmes Norton
Member of Congress



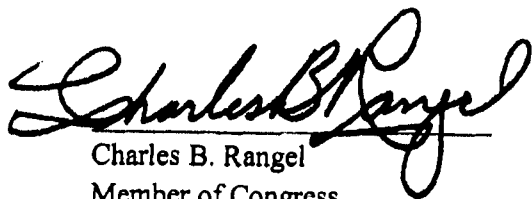
Ed Pastor
Member of Congress



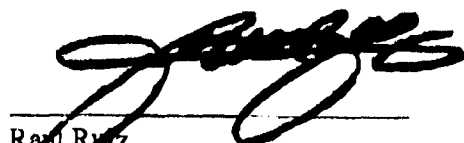
David Price
Member of Congress

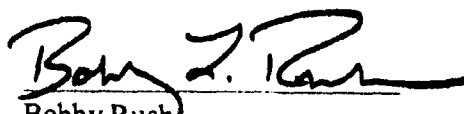



Mike Quigley
Member of Congress



Charles B. Rangel
Member of Congress

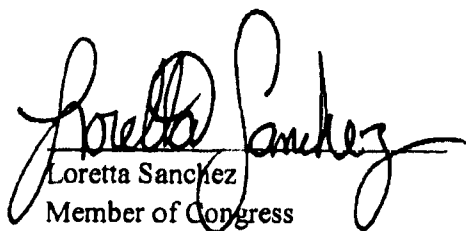

Lucille Roybal-Allard
Member of Congress

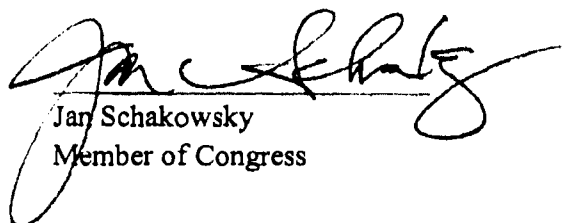

Raul Ruiz
Member of Congress

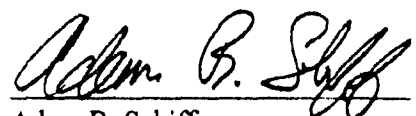

Bobby Rush
Member of Congress

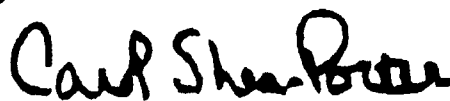

Tim Ryan
Member of Congress



Gregorio Kilili Camacho Sablan
Member of Congress

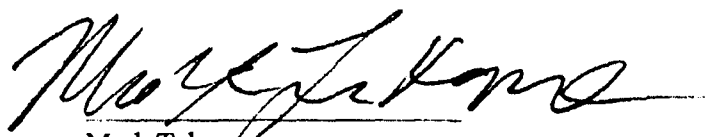

Loretta Sanchez
Member of Congress

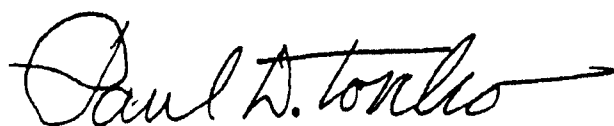

Jan Schakowsky
Member of Congress

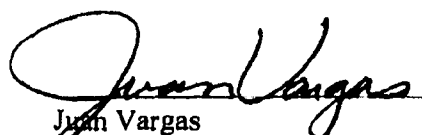

Adam B. Schiff
Member of Congress

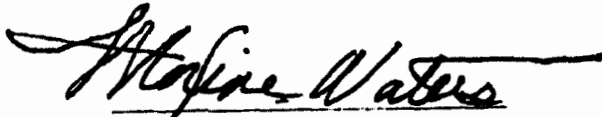

Carol Shea-Porter
Member of Congress


Louise Slaughter
Member of Congress

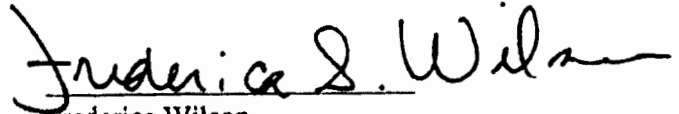

Mark Takano
Member of Congress


Paul D. Tonko
Member of Congress


Juan Vargas
Member of Congress



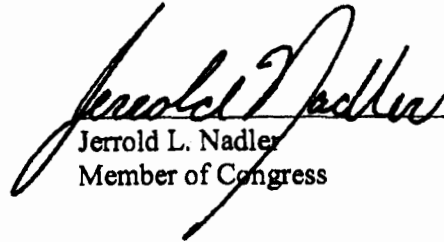
Maxine Waters
Member of Congress



Frederica Wilson
Member of Congress



Julia Brownley
Member of Congress



Jerrold L. Nadler
Member of Congress



Jose E. Serrano
Member of Congress

CC:

Jim Jones, Assistant Administrator, Office of Chemical Safety and Pollution Prevention,
U.S. EPA
Kathy Davis, Office of Chemical Safety and Pollution Prevention, U.S. EPA
Jeanne Kasai, Office of Chemical Safety and Pollution Prevention, U.S. EPA
Steven Bradbury, Director, Office of Pesticide Programs, U.S. EPA

ⁱ See U.S. Environmental Protection Agency. (2000, Sept. 29). Pesticide Registration Notice 2000-9, p.3. Retrieved from http://www.epa.gov/PR_Notices/pr2000-9.pdf

ⁱⁱ See U.S. EPA. 2011. Pesticides Industry Sales and Usage 2006 and 2007 Market Estimates. <http://www.epa.gov/opp00001/pestsales/>

ⁱⁱⁱ See U.S. EPA. (1992). Regulatory impact analysis of Worker Protection Standard for agricultural pesticides. Washington, DC: U.S. Environmental Protection Agency, Office of Pesticide Programs.

^{iv} See Sanborn, M., Cole, D., Kerr, K., Vakil, C., Sanin, L.H., & Bassil, K. (2004). Pesticides literature review. Retrieved from <http://www.bvsde.paho.org/bvstox/fulltext/rpesticides.pdf>.

^v See Association of Farmworker Opportunity Programs. (2007). Children in the Fields, An American Problem. Retrieved from <http://afop.org/wp-content/uploads/2010/07/Children-in-the-Fields-Report-2007.pdf>.

^{vi} See Sanborn, M., Cole, D., Kerr, K., Vakil, C., Sanin, L.H., & Bassil, K. (2004). Pesticides literature review. Retrieved from <http://www.bvsde.paho.org/bvstox/fulltext/rpesticides.pdf>.

^{vii} See Environmental Health Perspectives. (2006, June). Studying Health Outcomes in Farmworker Populations Exposed to Pesticides. P 953-960. Retrieved from <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC1480483/>.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

APR - 1 2014

The Honorable Marcia L. Fudge
U.S. House of Representatives
Washington, D.C. 20515

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

Dear Congresswoman Fudge:

Thank you for your February 6, 2014, letter discussing your concerns about the agricultural Worker Protection Standard (40 CFR 170). I appreciate the opportunity to respond on behalf of the U.S. Environmental Protection Agency on these important issues, as my office is responsible for the regulation of pesticides in the United States.

I am pleased to inform you that on February 20, 2014, the EPA announced proposed changes to this important rule. This proposal represents more than a decade of extensive stakeholder input by federal and state partners and from across the agricultural community including farm workers, farmers and industry.

These proposed changes are intended to increase protections from pesticide exposure for the nation's two million agricultural workers and their families. Specifically, we address several areas of concern mentioned in your letter: training, notification, hazard communication and greater protections for handlers. Cholinesterase testing is also discussed within the proposal. We invite you and your constituents to review the proposed changes and share detailed comments with us. These comments will help the EPA to determine the final version of this regulation.

The proposed changes to the WPS formally published in the *Federal Register* on March 19, 2014. Through June 17, 2014, the EPA is seeking input on the proposed changes. Information is available on the agency's Web page, <http://www.epa.gov/oppfead1/safety/workers/proposed/index.html>, to assist readers in preparing their comments as well as a link to the docket to submit those comments. After reading the proposed changes to the WPS, we encourage commenters to review the Tips for Commenting, the specific questions we are asking the public, and the other supporting materials.

Again, thank you for your letter. If you have further questions, please contact me or your staff may call Mr. Sven-Erik Kaiser in EPA's Office of Congressional and Intergovernmental Relations at kaiser.sven-erik@epa.gov or (202) 566-2753.

Sincerely,

A handwritten signature in black ink, appearing to read "James J. Jones", is written over a printed name and title.

James J. Jones
Assistant Administrator

Congress of the United States
Washington, DC 20515

August 18, 2014

Dear Administrator McCarthy,

The Agricultural Worker Protection Standard (WPS) is the primary set of federal regulations that seeks to protect farmworkers from the hazards of working with pesticides. The current regulations are not effective in preventing workers' exposures to toxic chemicals in the fields. Over a decade ago, the EPA stated that even when there is full compliance with the WPS, "risks to workers still exceed EPA's level of concern."^[i] Although the EPA has not made meaningful updates to the WPS since 1992, we applaud the Agency for proposing improvements for workers, including more frequent and thorough training, emergency assistance and establishing restricting entry zones around recently-sprayed areas. However, serious flaws remain that perpetuate inequity and continue to leave the men, women, and children who produce our food less protected than other workers.

Every year, an estimated 1.1 billion pounds of pesticides are applied to agricultural crops in the United States.^[ii] According to the EPA, ten to twenty thousand farmworkers suffer pesticide poisoning annually.^[iii] Exposure to pesticides increases the risk of chronic health problems among adult and child farmworkers, such as cancer, infertility, neurological disorders, and respiratory conditions.^[iv] There are approximately 500,000 child farmworkers in the U.S.,^[v] farmworker children face increased risks of cancer and birth defects.^[vi] Research also shows that both farmworkers and their children may suffer decreased intellectual functioning from even low levels of exposure to organophosphate insecticides, which are widely used in agriculture.^[vii] To promote the health of rural communities and those who harvest the food for our constituents' tables, strong protections from pesticide exposure are urgently needed.

To prevent occupational illness and exposure from pesticides and provide effective protection for farmworkers, the revised WPS should include the following essential safeguards:

1. Parity with other workers

Due to an aberration in federal law, farm workers' are not safeguarded by OSHA for pesticide exposure. Instead, EPA is supposed to protect farm workers from pesticides. Under the WPS, even with the proposed updates, farm workers' protections are inferior to other workers' protections on matters such as personal protective equipment, the right to know about workplace chemicals, safety training, and emergency assistance. EPA has the authority and moral responsibility to correct this inequity for predominantly poor and minority farm workers.

2. Protect children from high-exposure work

Although federal rules applicable to other industries set the minimum age for high-hazard work at 18, EPA has proposed a minimum age of 16 to work as a pesticide "handler" (someone who sprays, mixes or loads pesticides). The proposal would also allow minors to enter treated fields shortly after spraying, despite high exposure risks. EPA should not allow children to endure high-exposure work in order to satisfy demands for cheaper child labor. Eighteen should be the minimum age for undertaking such high-exposure activities.

3. Retain direct worker access to pesticide application information

EPA is proposing to eliminate one of the most effective ways for workers to protect themselves from pesticide exposures -- the requirement that growers centrally post records of recent pesticide applications. Instead, EPA proposes that workers can obtain this information from their employers "upon request." Farm workers are

often afraid to request this kind of information because they don't want to be labeled as troublemakers. EPA should retain central posting and, if it does not think this mode of communication is sufficient, it should supplement it with additional ways for workers to obtain this critical information.

4. Anti-retaliation protections

Farm workers are afraid to report pesticide violations because they fear the loss of their jobs or other forms of retaliation. EPA only proposes training on retaliation in its proposed rule. EPA should, in consultation with the Department of Labor's Office of Whistleblower Protection, broaden the scope of protected activity under the EPA's existing anti-retaliation rule so that farmworkers can receive similar protections, due process and remedies that are enjoyed under whistleblower statutes covering workers under other statutes administered by the EPA.

5. Protect workers in emergency situations

EPA is proposing to require employers to transport workers to a medical facility within 30 minutes of learning of a pesticide exposure. While this is a step in the right direction, emergency assistance should be immediate.

6. Protect workers from pesticide drift

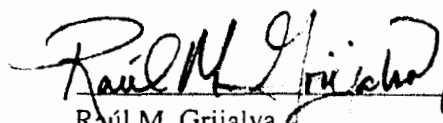
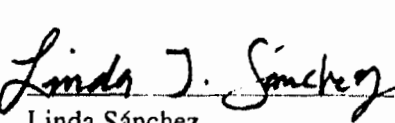

Pesticide drift due to sprayer's error, wind, and volatilization is a common source of farm worker exposure to pesticides. EPA proposes to address this danger by restricting entry into fields adjacent to treated areas. But, as proposed, these protections apply only to fields on the farm that was sprayed. This safeguard should extend to workers in harm's way who work at a neighboring establishment. Currently, federal and state laws provide substantial buffer zones to protect vineyards, greenhouses and salmon habitat from pesticide drift. Effective buffer zones are needed for farm workers as well.

7. Protect workers who handle neurotoxic chemicals

The EPA considered, but does not propose, medical monitoring for workers who handle neurotoxic pesticides. California and Washington State have longstanding monitoring programs that have been effective in reducing exposure to, and illnesses from, neurotoxic pesticides. USDA too requires this protection for employees exposed to neurotoxic pesticides. OSHA requires medical monitoring for workers who handle a wide range of toxic substances. Medical monitoring should be included in the WPS; farm workers who handle these dangerous neurotoxins deserve no less.

These changes to the WPS provide the EPA with a timely opportunity to meaningfully protect a vulnerable segment of our workforce and to reject any efforts to undermine fundamental yet long overdue safeguards. We urge you to expeditiously finalize these revisions during fiscal year 2014 and implement these needed changes as soon as possible thereafter.

Sincerely,

		
Raúl M. Grijalva Member of Congress	Linda Sánchez Member of Congress	Gloria Negrete McLeod Member of Congress



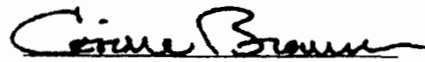
Karen Bass
Member of Congress



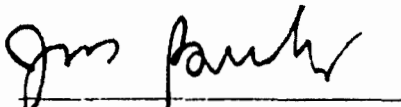
Earl Blumenauer
Member of Congress



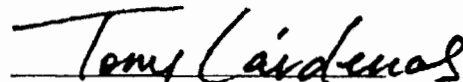
Suzanne Bonamici
Member of Congress



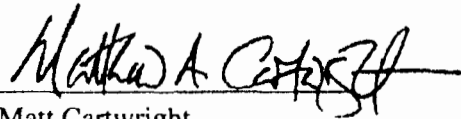
Corrine Brown
Member of Congress



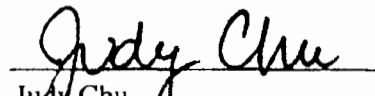
Julia Brownley
Member of Congress



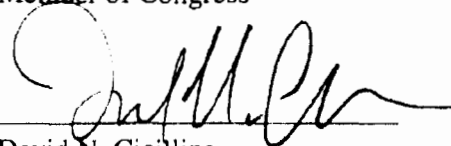
Tony Cárdenas
Member of Congress



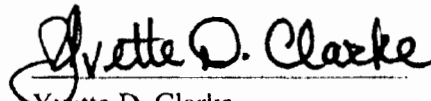
Matt Cartwright
Member of Congress



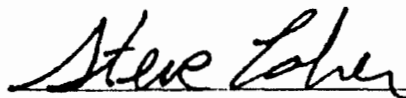
Judy Chu
Member of Congress



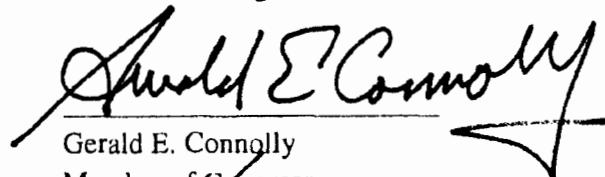
David N. Cicilline
Member of Congress



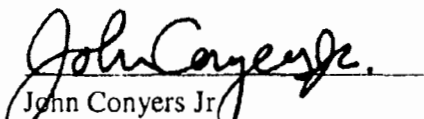
Yvette D. Clarke
Member of Congress



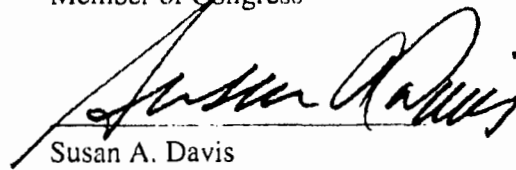
Steve Cohen
Member of Congress



Gerald E. Connolly
Member of Congress



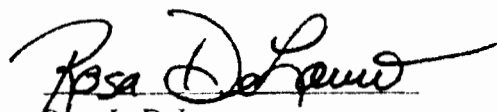
John Conyers Jr.
Member of Congress



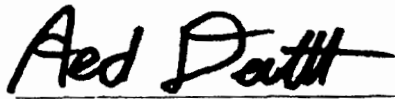
Susan A. Davis
Member of Congress



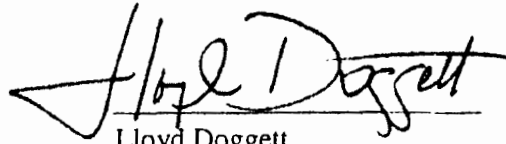
Peter A. DeFazio
Member of Congress



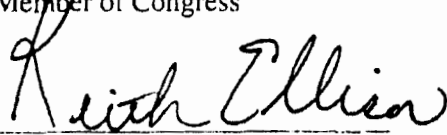
Rosa L. DeLauro
Member of Congress



Theodore E. Deutch
Member of Congress



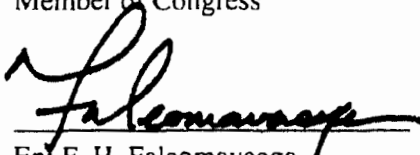
Lloyd Doggett
Member of Congress



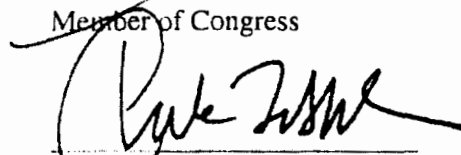
Keith Ellison
Member of Congress



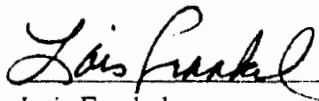
Anna G. Eshoo
Member of Congress



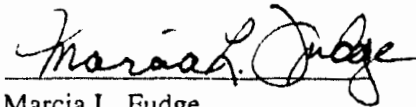
Eni F. H. Faleomavaega
Member of Congress



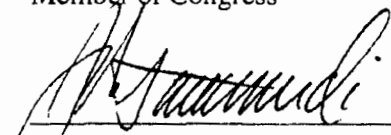
Chaka Fattah
Member of Congress



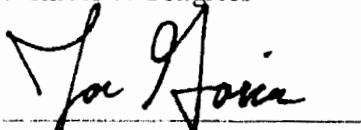
Lois Frankel
Member of Congress



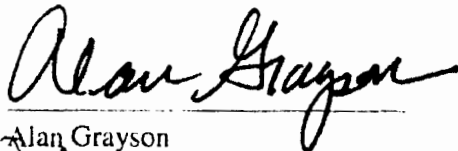
Marcia L. Fudge
Member of Congress



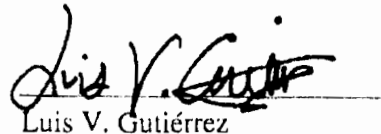
John Garamendi
Member of Congress



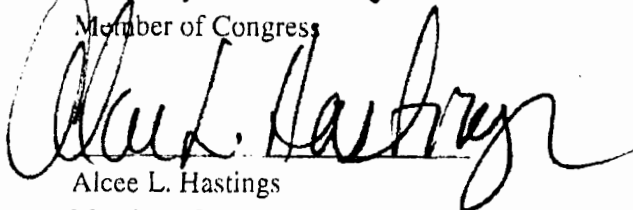
Joe Garcia
Member of Congress



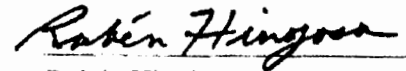
Alan Grayson
Member of Congress



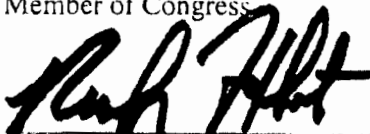
Luis V. Gutiérrez
Member of Congress



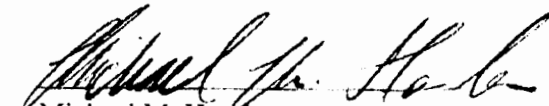
Alcee L. Hastings
Member of Congress



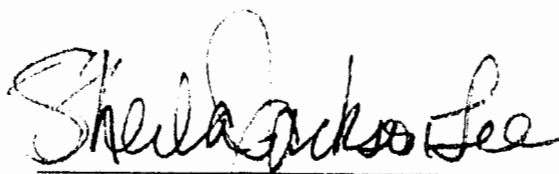
Rubén Hinojosa
Member of Congress



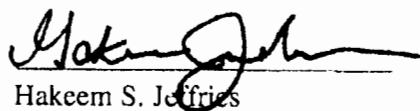
Rush Holt
Member of Congress



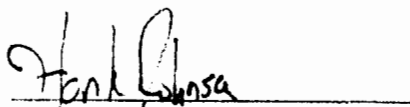
Michael M. Honda
Member of Congress



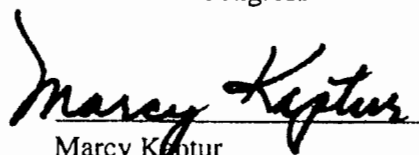
Sheila Jackson Lee
Member of Congress



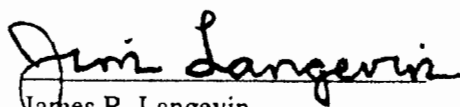
Hakeem S. Jeffries
Member of Congress



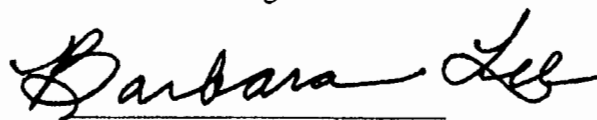
Henry C. "Hank" Johnson
Member of Congress



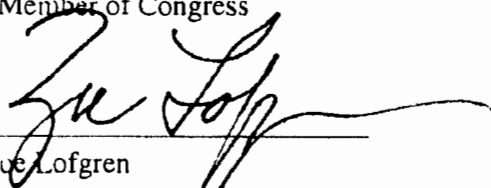
Marcy Kaptur
Member of Congress



James R. Langevin
Member of Congress



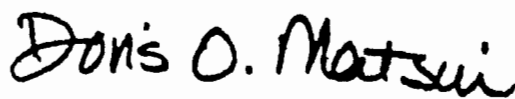
Barbara Lee
Member of Congress



Zoe Lofgren
Member of Congress



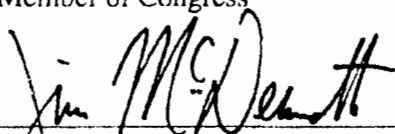
Alan S. Lowenthal
Member of Congress



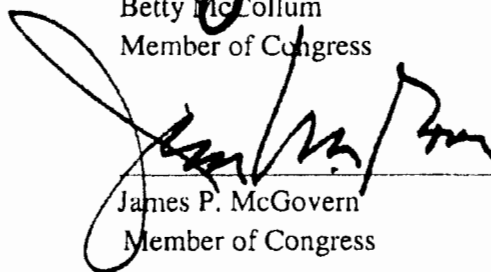
Doris O. Matsui
Member of Congress



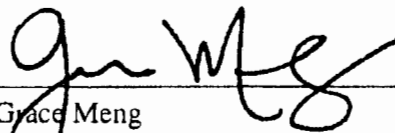
Betty McCollum
Member of Congress



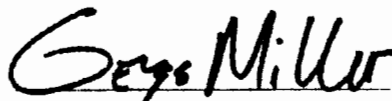
Jim McDermott
Member of Congress



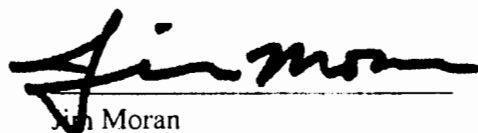
James P. McGovern
Member of Congress



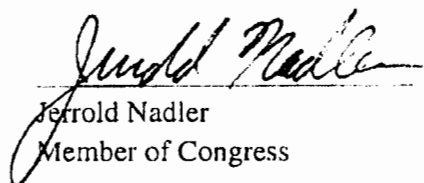
Grace Meng
Member of Congress



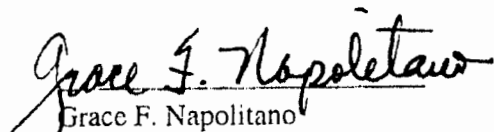
George Miller
Member of Congress

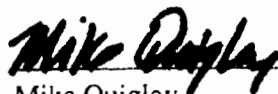


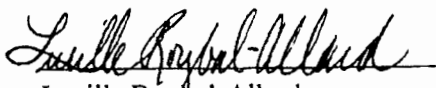
Jim Moran
Member of Congress

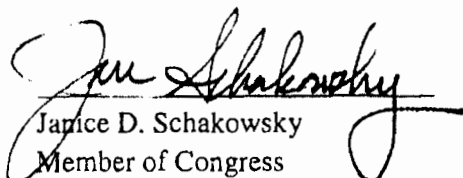


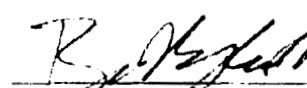
Jerrold Nadler
Member of Congress

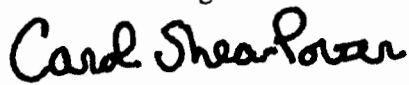

Grace F. Napolitano
Member of Congress

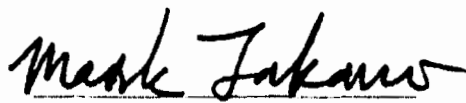

Mike Quigley
Member of Congress

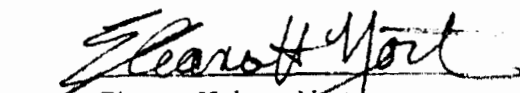

Lucille Roybal-Allard
Member of Congress

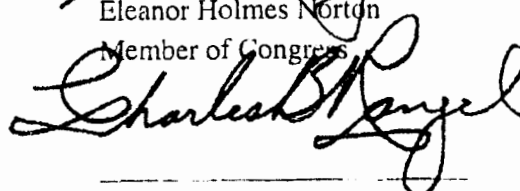

Janice D. Schakowsky
Member of Congress



Robert C. "Bobby" Scott
Member of Congress

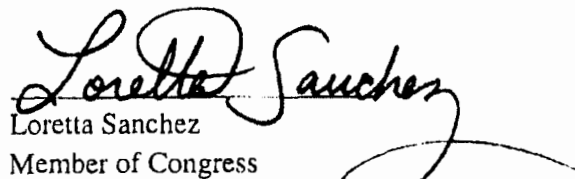

Carol Shea-Porter
Member of Congress

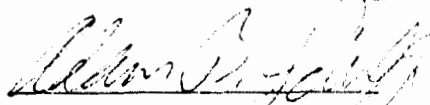

Mark Takano
Member of Congress

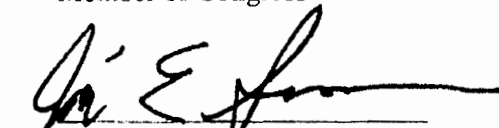

Eleanor Holmes Norton
Member of Congress

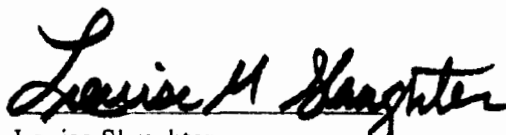

Charles B. Rangel
Member of Congress

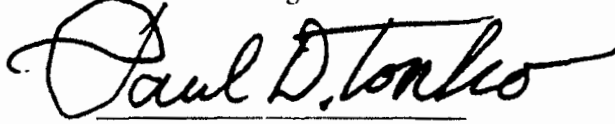

Raul Ruiz
Member of Congress

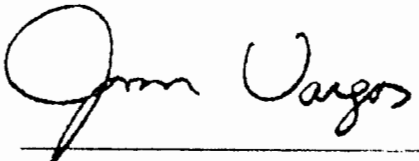

Loretta Sanchez
Member of Congress


Adam B. Schiff
Member of Congress


José E. Serrano
Member of Congress


Louise Slaughter
Member of Congress

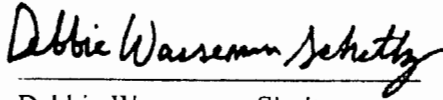

Paul D. Tonko
Member of Congress



Juan Vargas
Member of Congress



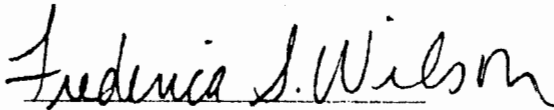
Filimon Vela
Member of Congress



Debbie Wasserman Schultz
Member of Congress

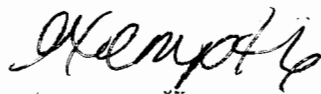


Maxine Waters
Member of Congress



Frederica S. Wilson
Member of Congress

CC:



- [i] See U.S. Environmental Protection Agency. (2000, Sept. 29). Pesticide Registration Notice 2000-9, p.3. Retrieved from http://www.epa.gov/PR_Notices/pr2000-9.pdf
- [ii] See U.S. EPA. 2011. Pesticides Industry Sales and Usage 2006 and 2007 Market Estimates. <http://www.epa.gov/opp00001/pestsales/>
- [iii] See U.S. EPA. (1992). Regulatory impact analysis of Worker Protection Standard for agricultural pesticides. Washington, DC: U.S. Environmental Protection Agency, Office of Pesticide Programs.
- [iv] See Sanborn, M., Cole, D., Kerr, K., Vakil, C., Sanin, L.H., & Bassil, K. (2004). Pesticides literature review. Retrieved from <http://www.bvsde.paho.org/bvstox/fulltext/rpesticides.pdf>.
- [v] See Association of Farmworker Opportunity Programs. (2007). Children in the Fields, An American Problem. Retrieved from <http://afop.org/wp-content/uploads/2010/07/Children-in-the-Fields-Report-2007.pdf>.
- [vi] See Sanborn, M., Cole, D., Kerr, K., Vakil, C., Sanin, L.H., & Bassil, K. (2004). Pesticides literature review. Retrieved from <http://www.bvsde.paho.org/bvstox/fulltext/rpesticides.pdf>.
- [vii] See Environmental Health Perspectives. (2006, June). Studying Health Outcomes in Farmworker Populations Exposed to Pesticides. P 953-960. Retrieved from <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC1480483/>.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

NOV 17 2014

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

The Honorable Marcia L. Fudge
U.S. House of Representatives
Washington, D.C. 20515

Dear Congresswoman Fudge:

Thank you for your August 18, 2014, letter to the U.S. Environmental Protection Agency Administrator Gina McCarthy recommending changes to the agency's proposed revision of the agricultural Worker Protection Standard (40 CFR 170).

The EPA shares your concern with protecting farmworkers from potential exposure to pesticides and pesticide residues. The EPA's proposed revised Worker Protection Standard is intended to increase protections from pesticide exposure for the nation's two million agricultural workers and their families. These proposed changes also reflect more than a decade of extensive stakeholder input by federal and state partners and from across the agricultural community.

Your comments are important to us and will help us determine the final version of this regulation. Your comments have been added to the public docket and will be fully considered as part of our public comment period. We received almost 2,300 individual submissions, representing over 119,000 individuals. The final regulation is scheduled to publish in the spring of 2015.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Mr. Sven-Erik Kaiser in the EPA's Office of Congressional and Intergovernmental Relations at kaiser.sven-erik@epa.gov or (202) 566-2753.

Sincerely,

A handwritten signature in black ink, appearing to read "James J. Jones", is written over a horizontal line.

James J. Jones
Assistant Administrator

Congress of the United States
Washington, DC 20515

January 24, 2014

The Honorable Gina McCarthy
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Dear Administrator McCarthy:

We write to express our concerns with some of the unintended consequences associated with the Renewable Fuel Standard (RFS) and the damage it may have on the U.S. economy, if left unchanged. Accordingly, we support your recent efforts to avoid the blendwall by reducing the amount of ethanol in gasoline to below 10 percent.

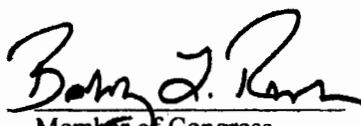
As you may know, more than 40 percent of the nation's corn crop is used for ethanol, an increase from nearly 15 percent when the RFS was created. The strong demand for ethanol has resulted in higher prices for corn and higher prices for feed and food, which was especially severe during last year's drought. As a result, last year, the average U.S. family of four faced a \$2,000 increase in food costs due to higher corn prices. To that end, as we embark upon a new year, we are faced with another unintended consequence associated with the RFS. While renewable fuel requirements are increasing yearly, gasoline demand in the U.S. is steadily declining.

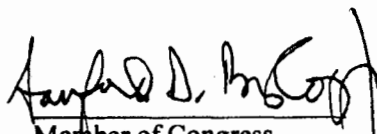
This dynamic has created the E10 blendwall - the point at which more renewable fuel is required to be blended than can be safely consumed in the United States, due to fundamental constraints imposed by fueling infrastructure and problems of gasoline engine incompatibility with increased ethanol blends. With a few exceptions, automobiles are built and warranted for a 10% ethanol blend, and the same goes for small engines, such as boats, lawnmowers, and motorcycles. Research by the Coordinating Research Council demonstrates that the engines of at least 5 million vehicles on the road today could be at risk of damage due to E15.

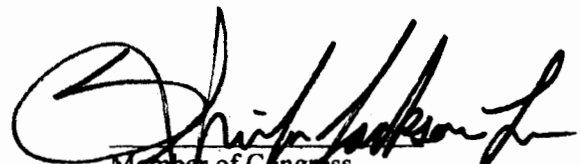
These unintended consequences associated with the RFS can be averted. We support your recent actions regarding the RFS and we ask that you continue to use your administrative authority to avoid the blendwall. By lowering the mandate down to below 10% in your final rule, the EPA will align the percentage with gasoline market conditions and reflect the concerns of the American people. Working together, we can ensure that the U.S. economy runs like a machine, creates and retains family-wage jobs in America, and helps to lower food costs for the American people at all economic levels. Your actions will also help to ensure that we continue to safeguard the environment, maintain consumer protection and improve the quality of life throughout our country.

We thank you for your attention to this matter, and we look forward to your timely response.

Sincerely,


Member of Congress
Bobby L. Rashi


Member of Congress
Sanford Bishop


Member of Congress
Sheila Jackson Lee

Wm. Lacy Clay
Lacy Clay
Member of Congress

Al Green
Al Green
Member of Congress

Yvette D. Clarke
Yvette Clarke
Member of Congress

Marcia Fudge
Marcia Fudge
Member of Congress

Cedric Richmond
Cedric Richmond
Member of Congress

Steven Horsford
Steven Horsford
Member of Congress

Berni H. Thompson

Marc Veasey
Marc Veasey
Member of Congress

Donald M. Payne
Donald M. Payne

John Lewis



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAR 18 2014

OFFICE OF
AIR AND RADIATION

The Honorable Marcia L. Fudge
U.S. House of Representatives
Washington, D.C. 20515

Dear Congresswoman Fudge:

Thank you for your letter dated January 24, 2014, to U.S. Environmental Protection Agency Administrator Gina McCarthy regarding the 2014 volume requirements under the Renewable Fuel Standard (RFS) program. The Administrator has asked me to respond to you on her behalf.

On November 29, 2013, the EPA published in the *Federal Register* a proposed rule that would establish the 2014 RFS volume standards. In developing the proposed volumes, the EPA used the most recent data available and took into consideration multiple factors. Our analysis included an evaluation of both the expected availability of qualifying renewable fuels as well as factors that, in some cases, limit supplying those fuels to the vehicles and equipment that can consume them. On the basis of our analysis, we proposed to reduce the required volumes from statutory levels for 2014 for cellulosic biofuel, advanced biofuel, and total renewable fuel. We proposed to maintain the same volume for biomass-based diesel for 2014 and 2015 as was adopted for 2013, but we have requested comment on whether to raise the biomass-based diesel volume requirement.

I want to emphasize that this is a proposal, and that the EPA has requested comment on many aspects of the proposed rule, including the methodology for determining volumes. The EPA also expects to receive additional data before finalizing the rule. We will take your input under consideration as we, in conjunction with the U.S. Department of Agriculture and the U.S. Department of Energy, work towards finalizing this rule, and your letter has been placed in the rulemaking docket.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Josh Lewis in the EPA's Office of Congressional and Intergovernmental Relations at lewis.josh@epa.gov or (202) 564-2095.

Sincerely,

A handwritten signature in black ink, appearing to read "Janet G. McCabe", is located below the "Sincerely," text.

Janet G. McCabe
Acting Assistant Administrator

R5-14-001-4750-C

MARCIA L. FUDGE
11TH DISTRICT OF OHIO

COMMITTEE ON AGRICULTURE
RANKING MEMBER, SUBCOMMITTEE ON
DEPARTMENT OPERATIONS, OVERSIGHT, AND NUTRITION

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AND SECONDARY EDUCATION

SUBCOMMITTEE ON WORKFORCE PROTECTION

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House of Representatives
Washington, DC 20515

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U.S. HOUSE OF REPRESENTATIVES
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(202) 225-7032; (202) 225-1339 FAX

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RICHMOND HIGHLAND CENTER
4834 RICHMOND ROAD, SUITE 150
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(216) 522-4900; (216) 522-4908 FAX

LAWTON COMMUNITY CENTER
1225 LAWTON STREET
AKRON, OHIO 44328
(330) 835-4758; (330) 835-4863 FAX

E-MAIL: <http://fudge.house.gov>

September 4, 2014

Ms. Susan Hedman
Regional Administrator
Great Lakes National Program Manager
US EPA Region 5
77 West Jackson Boulevard
Chicago, IL 60604-3590

**RE: City of Euclid Great Lakes Shoreline Cities Green Infrastructure Grant Application
Downtown Euclid Municipal Parking Lot Improvements**

Dear Ms. Hedman:

I am pleased to submit this letter expressing my strong support of the City of Euclid's Downtown Transportation & Redevelopment Plan. Euclid's US EPA Great Lakes Shoreline Cities Green Infrastructure Grant application proposes improvements at the city-owned Municipal Parking Lot, centrally located in the Downtown Retail District along Lake Shore Boulevard between Babbitt Road and East 228th Streets.

The 3.2 acre surface parking lot is currently striped for 145 parking spaces, and provides internal, 2-way traffic circulation throughout the retail district, with direct access to Lake Shore Boulevard, East 228th Street, and Shore Center Drive. Currently, there are no on-site landscaping elements, and no traffic control measures beyond stop signs and striping.

The city's proposed green infrastructure improvements include the installation of enhanced parking islands with bio-retention features, perimeter landscaping, and pervious pavement systems, all designed to intercept sheet flow within the parking lot. All green infrastructure features will have underdrains and will discharge to existing inlets, and are designed to help reduce storm water runoff and non-point pollution to Euclid's wastewater treatment system. Not only will the proposed green infrastructure elements improve water quality, the city anticipates the parking islands, as designed, will provide the added benefit of improved traffic safety for pedestrians and motorists alike.

The public improvements funded by this grant are consistent with the federally-funded Downtown Euclid Transportation and Redevelopment Plan which was adopted by the City as part of its Master Plan in 2007. This plan was funded through the Northeast Ohio Areawide Coordinating Agency (NOACA) through its Transportation for Livable Communities Initiative (TLCI) program. The City of Euclid is currently developing the Preliminary Engineering Plan for the Downtown area with the goal of implementing the recommendations of the TLCI Plan. The entire planning effort has the support of the community at large, including the Downtown businesses and surrounding neighborhoods.

Given the proximity of the Downtown district to the Lake Erie shoreline and its direct connection to the Waterfront Improvement Plan area, it is critical that Euclid take all necessary steps to improve water quality in our most valuable natural resource. Ultimately, drawing both residents and visitors to the area will have the catalytic effect of

creating jobs and economic opportunity that will benefit the entire area. The City is already improving its storm sewer system and incorporating "Green Infrastructure Strategy" to reduce the amount of storm water entering the system. The Downtown Municipal Parking Lot improvements will complement and build upon the initiatives that are already underway.

I urge the US EPA to give fair and favorable consideration to the funding of this project. The funding of these improvements will accelerate Euclid's master plan to redevelop its lakefront infrastructure, which I believe will have a greater regional impact. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink that reads "Marcia L. Fudge". The signature is written in a cursive, flowing style.

Marcia L. Fudge
U.S. Member of Congress

cc

The word "exempt" is handwritten in black ink twice. The first instance is above the second, and they are slightly offset from each other.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

10 SEP 2014

OFFICE OF THE
ADMINISTRATOR

The Honorable Marcia L. Fudge
House of Representatives
Washington, D.C. 20515

Dear Congresswoman Fudge:

Thank you for your September 4, 2014 letter supporting a Great Lakes Restoration Initiative (GLRI) grant proposal by the City of Euclid to support its Downtown Transportation & Redevelopment Plan.

The U.S. Environmental Protection Agency oversees the GLRI grant program as part of the Agency's efforts to protect and restore the Great Lakes. All grant applications will be evaluated using the selection criteria found at www.epa.gov/grtlakes/fund/2014rfa02. The review panel is currently evaluating the applications and we expect to announce our selections over the next few months.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Ronna Beckman or Eileen Deamer, the Region 5 Congressional Liaisons, at 312-886-3000.

Sincerely,

A handwritten signature in black ink, which appears to read "Cameron Davis", is written over the typed name.

Cameron Davis
Senior Advisor to the Administrator (Great Lakes)

MARCIA L. FUDGE
11TH DISTRICT OF OHIO

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1225 LAWTON STREET
AKRON, OHIO 44328
(330) 835-4758; (330) 835-4863 FAX

E-MAIL: <http://fudge.house.gov>

May 22, 2014

The Honorable Gina McCarthy
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Dear Administrator McCarthy:

I write to express my concern with a position taken by the United States Environmental Protection Agency (EPA). A relatively recent change in EPA's interpretation of the scope of asbestos regulations has created a great financial burden on the local governments and communities of Northern Ohio. As a result, EPA has hindered efforts by these communities to recover from the mortgage foreclosure crisis and the recession.

Northern Ohio was particularly hard-hit by the mortgage foreclosure crisis of the last decade. It is estimated there now exists nearly 100,000 vacant and abandoned houses in Ohio. Ohio responded to this crisis in 2008 by creating county land reutilization corporations (CLRCs). CLRCs take ownership of vacant, abandoned and blighted houses and then demolish them to abate the public nuisances they create. Blighted houses have served as a major source of crime and disorder and represent a grave public health and safety threat for cities in Ohio.

From 2008 to late 2010, CLRCs demolished houses under the "residential exemption" found in the language of the Asbestos National Emission Standards for Hazardous Air Pollutants (NESHAP). CLRCs were able to conduct demolitions under the "residential exemption" because CLRC nuisance abatement activities consisted mostly of scattered-site, one-at-a-time demolitions of residential buildings having four or fewer dwellings.

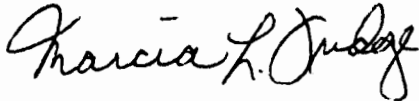
In November 2010, guidance issued by state regulators indicated that EPA no longer considered CLRC demolitions as included in the "residential exemption." EPA's removal of CLRC demolitions from the residential exemption appears to be in contradiction to the language in NESHAP. Also, EPA's reversal may have thwarted the intent of Congress over the past generation. Congress has consistently insisted the Asbestos NESHAP would not be used to place heavy financial burdens on local governments trying to preserve the health and safety of their communities.

My office has been instrumental in convincing U.S. Treasury to allow Ohio to use \$60 million in Hardest Hit Fund allocations for blight removal. It is estimated that as much as \$13.8 million of this sum – 23% – will be consumed by Asbestos NESHAP compliance, which did not burden the CLRCs prior to November 2010. Now, 1,500 nuisance structures, which otherwise would have been demolished, will remain standing because of the additional costs of labor and compliance with regulations that do not impact environmental safety.

Under the Moving Ohio Forward program, the communities of Ohio will spend nearly \$125 million in state and local dollars for blight demolition. Of this sum, as much as \$38 million could be consumed with NESHAP compliance which was not required by USEPA just a few years ago. As a result, land banks have seen the costs associated with their demolition programs increase significantly, ultimately reducing the number of blighted structures they can remove.

Given the two examples mentioned above, I urge EPA to consider the intent of Congress that asbestos regulations do not hinder local communities' nuisance abatement efforts. Specifically, I ask the EPA to reconsider its November 2010 decision to remove CLRC's of the "residential exemption."

Sincerely,

A handwritten signature in black ink, reading "Marcia L. Fudge". The signature is fluid and cursive, with the first name "Marcia" being the most prominent part.

Marcia L. Fudge
Member of Congress



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

ASSISTANT ADMINISTRATOR
FOR ENFORCEMENT AND
COMPLIANCE ASSURANCE

The Honorable Marcia L. Fudge
House of Representatives
Washington, D.C. 20515

Dear Congresswoman Fudge:

Thank you for your letter of May 22, 2014, to the U.S. Environmental Protection Agency (EPA) expressing concern over the EPA's interpretation of the asbestos National Emission Standards for Hazardous Air Pollutants (NESHAP) regulation as it applies to single family residences. I appreciate and share your concerns about the challenges faced by local governments and communities of Northern Ohio to expeditiously demolish vacant buildings that threaten public health and safety while ensuring compliance with the Clean Air Act asbestos requirements. The EPA regulates the demolition and renovation of asbestos-containing materials found in buildings through work practice standards found in the NESHAP regulation. This regulation is based on the fact that asbestos is a known human carcinogen with no safe level of exposure and does not degrade over time. The asbestos NESHAP regulation was last amended in 1990, and no new amendments have been made to the rule since that time.

As your letter mentions, the 1990 regulation exempts demolition of individual residential homes. The preamble to the regulation provides that the exemption does not apply to commercial or public projects that involve the demolition of multiple residential houses, such as urban renewal projects. The EPA's December 22, 2010, response to the inquiry from the Ohio Environmental Protection Agency is a restatement of this long standing reading of the asbestos NESHAP regulation.


The County Land Reutilization Corporations (CLRCs), as you point out in your letter, take ownership of vacant, abandoned, and blighted houses and then demolish them as part of a commercial or public project, or are considered operators as they typically stipulate demolition requirements to other contractors who demolish the houses. Typically, multiple residences are demolished under a project. This is an example of a public project which EPA stated was not exempt when promulgating the 1990 amendments to the asbestos NESHAP, as referenced above.

The EPA shares your view regarding public health and safety issues of abandoned homes that need to be demolished, while not contributing to future harm to the health and safety of residents and local site workers. We pledge to work closely with our co-regulators, the Ohio Environmental Protection Agency and the Ohio Department of Health, who respectively have

responsibility for implementing and enforcing the asbestos NESHAP regulation and ensuring worker safety in Ohio.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Pamela Janifer in the EPA's Office of Congressional and Intergovernmental Relations at janifer.pamela@epa.gov or (202) 564-6969.

Sincerely,



Cynthia Giles

Enclosure

AL-14-000-8783

MARCIA L. FUDGE
11TH DISTRICT OF OHIO

COMMITTEE ON AGRICULTURE
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2344 RAYBURN HOUSE OFFICE BUILDING
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(202) 225-7032; (202) 225-1339 FAX

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(216) 522-4900; (216) 522-4908 FAX

LAWTON COMMUNITY CENTER
1225 LAWTON STREET
AKRON, OHIO 44328
(330) 835-4758; (330) 835-4883 FAX

E-MAIL: <http://fudge.house.gov>

April 23, 2014

The Honorable Gina McCarthy
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, D.C. 20460

Dear Administrator McCarthy:

I write to express my concerns about the Environmental Protection Agency's (EPA) proposed rule to expand its permitting authority under the Clean Water Act (CWA) by redefining "waters of the United States." As written, I believe this proposed rule will have an unintended negative impact on farmers, construction workers, miners, manufacturers, and private landowners.

The agency's proposed interpretation of "significant nexus" is vague enough to allow EPA to assert its jurisdiction over waters not previously regulated, rather than to limit its jurisdiction, as the agency suggests. By incorporating the Kennedy "significant nexus" test from *Rapanos v. United States* (547 U.S. 715 (2006)) and removing the word "navigable" from the definition of the CWA, the EPA would place features such as ditches, ephemeral drainages, ponds (natural or man-made), flood plains and other occasionally or seasonally wet areas under federal control. It is concerning the EPA would use the "significant nexus" test without addressing the Scalia test, which calls for jurisdictional to mean only *relatively permanent, standing or flowing bodies of water*, such as streams, rivers, lakes, and other bodies of water "forming geographic features." This definition led Scalia to exclude "channels containing merely intermittent or ephemeral flow."

Furthermore, it gives me pause that the scientific report by your agency, titled *Connectivity of Streams and Wetlands to Downstream Waters: A Review and Syntheses of the Scientific Evidence*, underlying the proposed rule, has not been finalized. Also, the Science Advisory Board peer review for the report has yet to be completed.

For these reasons, I respectfully ask the EPA reconsider its rule so it can address the concerns laid out in this letter. In doing so, the EPA has an opportunity to ensure the agency actualizes its intended goal of limiting its jurisdiction over waters not previously regulated.

Sincerely,



Marcia L. Fudge
Member of Congress



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

NOV - 6 2014

OFFICE OF WATER

The Honorable Marcia L. Fudge
House of Representatives
Washington, D.C. 20515

Dear Congresswoman Fudge:

Thank you for your April 23, 2014, letter to the U.S. Environmental Protection Agency regarding the U.S. Department of the Army's and the U.S. Environmental Protection Agency's proposed rulemaking to define the scope of the Clean Water Act consistent with decisions of the Supreme Court. Your letter expresses concerns about the potential effects of the agencies' proposed rule, its consistency with Supreme Court decisions, and the agencies' use of science in the proposed rule.

The agencies' current notice and comment rulemaking process is among the most important actions we have underway to ensure reliable sources of clean water on which Americans depend for public health, a growing economy, jobs, and a healthy environment. The agencies based their proposed rule on the text of the Clean Water Act and relevant Supreme Court decisions. As you note, the proposed rule is based significantly on these Supreme Court decisions, including Justice Kennedy's opinion in *Rapanos v. United States*, 547 U.S. 715 (2006), which lays out a "significant nexus" test for Clean Water Act jurisdiction. The agencies' proposed rule includes a proposed definition for "significant nexus," on which the agencies are seeking comments. In addition, while the CWA defines its geographic scope as the "navigable waters," it defined "navigable waters" as "the waters of the United States" without using the term "navigable." Court decisions, including decisions of the Supreme Court, and the legislative history of the Clean Water Act, are consistent that waters need not be navigable-in-fact to be covered. Non-navigable waters, including wetlands, have been protected by the Clean Water Act since it was passed in 1972. The preamble to the proposed rule includes a detailed legal appendix describing these decisions, and the agencies welcome comments on this issue.

Your letter also expresses concerns regarding the role of science in the agencies' rulemaking process. I want to emphasize that the agencies are committed to a rulemaking built on the best available, peer reviewed science. In order to afford the public greater opportunity to comment on the EPA Science Advisory Board's reports on the proposed jurisdictional rule and the EPA draft study titled: "Connectivity of Streams and Wetlands to Downstream Waters: A Review and Synthesis of the Scientific Evidence," and to respond to requests from the public for additional time to provide comments on the proposed rule, the public comment period on the proposed rule was extended to November 14, 2014. The SAB completed its review of the scientific basis of the proposed rule on October 1, and the agencies' draft connectivity science report on October 17, 2014. The agencies will ensure the final rule effectively reflects the SAB's technical recommendations.

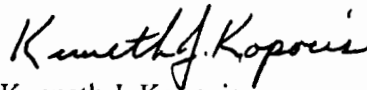
We are meeting with stakeholders across the country to facilitate their input on the proposed rule. We are talking with a broad range of interested groups including farmers, businesses, state and local governments, water users, energy companies, coal and mineral mining groups, and conservation

interests. The EPA conducted a second small business roundtable to facilitate input from the small business community. These actions represent the agencies' intent to provide a transparent and effective opportunity for all interested Americans to participate in the rulemaking process.

America thrives on clean water. Clean water is vital to the success of the nation's businesses, agriculture, energy development, and the health of our communities. We are eager to define the scope of the Clean Water Act to achieve the goals of protecting clean water and public health, and promoting jobs and the economy. Americans should not have to choose among these goals.

Thank you again for your letter. Please contact me if you have additional questions on this issue, or your staff may contact Denis Borum in the EPA's Office of Congressional and Intergovernmental Relations at borum.denis@epa.gov or (202) 564-4836.

Sincerely,

A handwritten signature in black ink that reads "Kenneth J. Kopocis". The signature is written in a cursive style with a large, stylized "K" and "J".

Kenneth J. Kopocis
Deputy Assistant Administrator

AL-15-000-0875

MARCIA L. FUDGE
11TH DISTRICT OF OHIO

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U.S. HOUSE OF REPRESENTATIVES
2344 RAYBURN HOUSE, OFFICE BUILDING
WASHINGTON, DC 20515
(202) 225-7032, (202) 225-1339 Fax

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REYNOLD HILLMAN CENTER
4834 RICHMOND ROAD, SUITE 150
WARRENDALE HEIGHTS, OHIO 44128
(216) 522-4900, (216) 522-4908 Fax

LAWTON COMMUNITY CENTER
1225 LAWTON STREET
AKRON, OHIO 44328
(330) 835-4758, (330) 835-4863 Fax

E-mail: <http://fudge.house.gov>

October 20, 2014

Ms. Aimee Storm
U.S. Environmental Protection Agency
Office of Brownfields and Land Revitalization
1200 Pennsylvania Avenue, NW
Washington, DC 20460

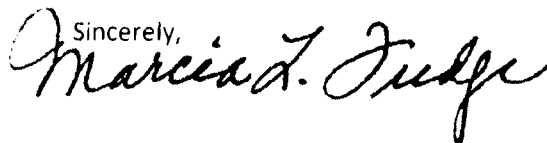
Dear Ms. Storm:

I write in support of a grant application by Cuyahoga County Planning Commission's and Ohio City, Inc.'s for a FY2015 Brownfields Area-Wide Planning Grant for the Irishtown Bend area of the Cuyahoga River in Cleveland, Ohio. I respectfully request you give due consideration to this application.

The Ohio City neighborhood of Cleveland, which neighbors Irishtown Bend, has undergone a remarkable transformation over the past decade. The effort, led by neighborhood residents, businesses, and institutional stakeholders, has brought profound change without compromising the unique character of the community. These same partners are now looking to re-engage and plan for the revitalization of Irishtown Bend, a blighted river corridor characterized by abandoned and underutilized industrial buildings, sub-standard housing, a homeless camp, and an overgrown, inaccessible river embankment.

Cuyahoga County Planning Commission and Ohio City, Inc. are well-suited to facilitate this initiative, and have a strong track record working with environmental, community, municipal, and business stakeholders to bring positive change within its jurisdiction. I believe the proposal will facilitate the community area-wide-planning process, develop actionable outcomes, and identify the resources needed for implementation.

I strongly support this application, which proposes to use community input and neighborhood partnerships in an effort to develop a vision for greater access to the river, recreational trails, and urban agriculture. Irishtown Bend is an important link in Cleveland's efforts to revitalize its working waterfront; create jobs and quality, affordable housing; and connect the city through a system of walking trails and bike paths.

Sincerely,


Marcia L. Fudge
Member of Congress



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

NOV - 4 2014

OFFICE OF
SOLID WASTE AND
EMERGENCY RESPONSE

The Honorable Marcia Fudge
U.S. House of Representatives
Washington, D.C. 20515

Dear Congresswoman Fudge:

Thank you for your letter of October 20, 2014, to the U.S. Environmental Protection Agency's (EPA) Brownfields Area-Wide Planning (BF AWP) Program, supporting the proposal submission from the Cuyahoga County Planning Commission and Ohio City, Inc. I appreciate your interest in this program and your support of this proposal.

As you know, the Small Business Liability Relief and Brownfields Revitalization Act assists states and communities in their efforts to revitalize and reclaim brownfields sites. The BF AWP Program enables communities to research and plan for cleaning up and reusing catalyst, high priority brownfields sites in conjunction with creating supportive area-wide revitalization and plan implementation strategies. Since the BF AWP Program began in 2010, the EPA has made 43 grant awards to communities across the country.

The EPA's evaluation criteria for proposals are available in the *Request for Proposals for Brownfields Area-Wide Planning Grants* (July 2014), posted on our web site at <http://www.epa.gov/brownfields/applicat.htm>. Each proposal will be carefully evaluated by members of a selection panel, who will apply these objective criteria in this highly competitive program. Please be assured that the proposal from the Cuyahoga County Planning Commission and Ohio City, Inc will be given every consideration as per the criteria.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Raquel Snyder, in the EPA's Office of Congressional and Intergovernmental Relations, at snyder.raquel@epa.gov, or at (202) 564-9586.

Sincerely,

A handwritten signature in black ink that reads "Mathy Stanislaus". The signature is written in a cursive, flowing style.

Mathy Stanislaus
Assistant Administrator

R5-14-001-4758-C

MARCIA L. FUDGE
11TH DISTRICT OF OHIO

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E-MAIL: <http://fudge.house.gov>

September 4, 2014

Ms. Susan Hedman
Regional Administrator
Great Lakes National Program Manager
US EPA Region 5
77 West Jackson Boulevard
Chicago, IL 60604-3590

RE: City of Euclid Sims Park Great Lakes Shoreline Cities Green Infrastructure Grant Application

Dear Ms. Hedman:

I am pleased to submit this letter expressing my strong support of the City of Euclid's Lakefront Improvement Plan. Euclid's US EPA Great Lakes Shoreline Cities Green Infrastructure Grant application for the proposed improvements at the city-owned Sims Park, located on the Lake Erie shoreline just west of East 232 Street.

The proposed green infrastructure improvements at Sims Park include the upgrading of the main entrance drive and parking areas. In addition, improvements include the installation of water quality ponds, rain gardens and bio-swales, all designed to help reduce storm water runoff and non-point pollution.

The public improvements funded by this grant are consistent with the Euclid Lakefront Improvements Plan which was adopted by the City as part of its Master Plan in 2009. A more detailed master plan for Sims Park was completed in 2010. These plans have the support of the community at large including the immediate surrounding neighborhoods.

Improving water quality is critical to the success of Euclid's long term plan to reconstruct the shoreline and increase public access to Lake Erie, Northeast Ohio's most valuable natural resource. The City is already improving its storm sewer system and incorporating "Green Infrastructure Strategy" to reduce the amount of storm water entering the system. The Sims Park improvements would complement and build upon the initiatives that are already underway.

I urge the US EPA to give fair and favorable consideration to the funding of this project. The funding of these improvements will accelerate Euclid's master plan to redevelop its lakefront infrastructure, which I believe will have a greater regional impact. Thank you for your consideration.

Sincerely,



Marcia L. Fudge
U.S. Member of Congress

cc Mayor Bill Cervenik, City of Euclid
Sharon Jaffess, US EPA Region 5, Acting Chief of the Great Lakes National Program Office
Tina Davis, US EPA Region 5, Shoreline Cities Project Coordinator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

10 SEP 2014

OFFICE OF
THE ADMINISTRATOR

The Honorable Marcia L. Fudge
House of Representatives
Washington, D.C. 20515

Dear Congresswoman Fudge:

Thank you for your September 4, 2014 letter supporting a Great Lakes Restoration Initiative (GLRI) grant proposal by the City of Euclid to support its Lakefront Improvement Plan.

The U.S. Environmental Protection Agency oversees the GLRI grant program as part of the Agency's efforts to protect and restore the Great Lakes. All grant applications will be evaluated using the selection criteria found at www.epa.gov/grtlakes/fund/2014rfa02. The review panel is currently evaluating the applications and we expect to announce our selections over the next few months.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Ronna Beckman or Eileen Deamer, the Region 5 Congressional Liaisons, at 312-886-3000.

Sincerely,

A handwritten signature in black ink, which appears to read "Cameron Davis".

Cameron Davis
Senior Advisor to the Administrator (Great Lakes)